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PUBLICATIONS OF THE
ACADEMY OF PACIFIC COAST HISTORY

VOL. I NO. 5

# THE UNITED STATES CONSULATE IN CALIFORNIA

BY

RAYNER WICKERSHAM KELSEY

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Subcommittee in charge of the candidacy of R. W. Kelsey for the degree of Ph.D.

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# THE UNITED STATES CONSULATE IN CALIFORNIA.

## CHAPTER I.

### *Historical and Biographical Background.*

The first and only United States consul who served in California was Thomas Oliver Larkin.[1]

Larkin was a native of Massachusetts, who came to California as a young man in 1832. He settled at Monterey and soon built up an extensive business as a local merchant and a trader with other ports.[2]

He served as United States consul in California from 1844 to 1848; as confidential agent of the government from 1846 to 1848; as navy agent from 1847 to 1849; and as naval store keeper from 1847 to 1848. Thus for a time during 1847 and 1848, he was serving technically, though not always actually, in four different official capacities under the United States government.[3]

As to Larkin's traits of character, some definite impressions have come from a fairly detailed study of his voluminous correspondence. In business relations he showed shrewdness to such an extent that he was sometimes accused of dishonesty. His temper was generally even, unless someone trenched upon his

[1] Other appointees, as follows, resigned or failed to take office: Austin J. Raines, appointed consul at Monterey, Oct. 17, 1833; Jonathan P. Gilliam, appointed consul at Monterey, Dec. 13, 1837; Thomas Carlile, appointed consul at San Francisco, March 10, 1842; Albert M. Gilliam, appointed consul at San Francisco, July 26, 1843.—Information from State Department, October 14, 1908.

For notes concerning consular representatives of France, Great Britain, and Spain, see Appendix 2.

[2] For a more detailed biographical sketch of Larkin, with list of authorities, see Appendix 1.

[3] Larkin was appointed navy agent by Stockton in 1846, but did not receive the confirmation from the Navy Department until 1847. See certificate of appointment, Stockton to Larkin, Aug. 13, 1846; letter, Larkin to Mason, May 4, 1847. The appointment as naval store keeper was only temporary; Larkin to Mason, Sept. 17, 1847; Mason to Larkin, March 27, 1848.

pecuniary interests or personal pride, when he would assert and defend his interests with as much warmth as ability. Although he learned the lesson of strict economy early in life and was sometimes accused of being penurious, his generosity seems to have grown with his fortune. In later life he denied himself and his family no comfort and was especially free in the outlay of money for the benefit and pleasure of his children.

Though he had only a moderate education, yet he was quick to learn both little things and big. In his official correspondence can be traced plainly a rapid acquisition of the elements of diplomatic usage and a fast growing ability to handle delicate situations with skill and abundant common sense.

By the time of the conquest, Larkin had acquired a goodly fortune in his mercantile business and had acquired large landed interests in California. He and his family spent the years from 1850 to 1853 in the east. They visited relatives and friends in New York and Massachusetts and he acquired some valuable property in New York city. In 1853 they removed to San Francisco, where Larkin died in 1858 at the age of fifty-six years.

To understand the conditions under which Larkin labored as consul, we must remember something of the trend of affairs in the United States and Mexico in the years following 1840, and also bear in mind the general status of California, socially and politically.

The battle raging in the United States between Whigs and Democrats over government finances received meager attention on the Pacific Coast. The questions that set tingling American blood in California were those of Texas annexation and the Oregon boundary. From the time of Commodore Jones's abortive attempt upon California in 1842, rumors of war with Mexico over the Texas question came regularly to the ears of the American settlers in California. Later, in 1845 and 1846, there was much speculation about a possible war with England over the Oregon boundary.[4]

[4] For this and the following on general conditions in California see especially letters in the Larkin correspondence to and from John C. Jones, of Santa Barbara, Wm. A. Leidesdorff, of San Francisco, Stephen Reynolds, of Oahu, and Abel Stearns, of Los Angeles.

These rumors seemed to possess greater import and, consequently, greater interest by the time they reached California. Authentic news traveled so slowly that when it was finally received, people naturally drew upon their imaginations for what had happened during the two or three months that passed while the letter or newspaper had been coming by packet from New York or New Orleans to Vera Cruz, thence across Mexico to Mazatlan, and from there up the coast to California.[5]

Almost all of the foreign settlers expected a change sooner or later in the government of California. Mexico was apparently too weak, too poor, too busied with the Texas question and factional politics at home, to maintain a stable government in the northern department. So the old round of revolutions in California continued and men with permanent interests often longed for a change.[6]

But what would the change be? Would California become an independent state, or a dependent protectorate under England or France, or would she add another star to the American constellation? Such were the questions discussed at Sutter's Fort when a new company of emigrants arrived from "the Oregon" or "the States"; at Yerba Buena[7] when some new comers would drop down the Sacramento River; or at Monterey when an American trading vessel arrived after a voyage of three or four weeks from Mazatlan or Oahu.[8] Such, in brief, were the conditions and such were the questions in the air when Larkin became consul.

At that time the United States consular service was on a somewhat uncertain basis, both as to law and usage. The usage, in many details, had never been definitely established; the law was so unsatisfactory that its amendment had long been urged.

---

[5] Childs to Larkin, March 29, 1844. Larkin's letter came through in sixty-five days, "the shortest trip yet."

[6] Larkin to Micheltorena, March 22, 1845. Larkin to Calhoun, Jan. 25, 1845.

[7] *California Star*, S. F., Jan. 30, 1847, p. 4. Ordinance changing name.

[8] Larkin to Buchanan, April 17, 1846. U. S. S. *Cyane* has just arrived at Monterey "twenty-eight days from Oahu (a long passage)." Larkin to Gillespie, April 23, 1846: U. S. S. *Portsmouth* was "twenty-one days from Mazatlan to Monterey."

A fundamental change in the whole system was destined to come in 1856.[9]

With few exceptions the consuls received no salary, and their direct remuneration came solely from fees and commissions. To these resources was added a fair prospect of some indirect gain in the way of business advantage and social prestige.

The law establishing the United States consular service was passed by Congress in 1792. According to this law, and various amendments, including those of 1803, 1818, and 1840, the chief duties of a consul, during Larkin's term of office, were as follows: To protect the general interests and rights of United States citizens within the consular jurisdiction; to take charge of the estates of citizens dying abroad without legal representatives; to succor destitute seamen and provide for their return home; to care for stranded vessels; to authenticate various papers, such as protests, depositions, etc., and especially invoices of goods to be imported into the United States.

The use of United States consuls for the compilation of commercial reports to aid in the extension of commerce was not appreciably developed until about 1853 and thereafter.

Having thus considered briefly the history and personality of the man, the political and social conditions of the time, and the status of the consular service, we may come at once to the story of this first and only United States consulate in California.

---

[9] Jones, C. L. *The Consular Service of the United States.* Philadelphia, 1906. This excellent monograph has been taken as authority for subsequent statements about the general status of the consular service. The appendix to Chapter 1 gives a list of laws relating to the consular service.

## CHAPTER II.

### *Chronological Sketch of the Consulate.*

It will be well to outline briefly the history of Larkin's consulate and confidential agency in order that we may grasp the chronological sequence and the general relation of the chief events. His more important official activities will be considered topically in subsequent chapters.[1]

Larkin's appointment as consul was apparently secured through influence brought to bear at Washington by relatives and friends.[2]

The original appointment is dated at Washington, May 1, 1843, and Larkin is appointed consul "for the Port of Monterey, in California, and such other parts as shall be nearer thereto than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance." As the appointment was made during the recess of Congress, it is declared that Larkin shall hold the office "until the end of the next session of the Senate of the United States, and no longer."[3]

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[1] Detailed references to authorities will be omitted in this chapter for topics treated at length in subsequent chapters.

[2] Childs to Larkin, Aug. 12 and Dec. 26, 1843. Childs was a stepbrother to Larkin.

[3] This recess appointment is signed by John Tyler, President, and Daniel Webster, Secretary of State. The national seal of the United States is on the face of the document and that of Mexico on the reverse side. On the latter side also, dated at Mexico, Dec. 2, 1843, appears the official "cumplase," endorsed by Valentín Canalizo, Acting President, and José M. Bocanegra, Minister of Foreign Affairs, of the Mexican Republic. These officials also issued under the same date a formal exequatur, signed and sealed, which accompanied the appointment when it was forward to California. Savage, *Documentos*, MSS., vol. 2; transcript in *State Papers, Sacramento*, MS., 19:9.

The process of official recognition is well indicated by the following extract from Larkin's letter of April 16, 1844, to Gen. Waddy Thompson, United States Minister, City of Mexico: "I have the honor to inform you that I have received from Washington through your office my Commission as Consul for this Port, also the corresponding 'Exequatur' from Mexico. I have presented the same to General Manuel Micheltorena

Larkin entered formally upon the duties of his new office April 2, 1844. He was hampered in his work at first by a lack of detailed instructions and of the necessary supplies for use in his office. For a time he obtained information as to his duties from United States consular officials in neighboring ports, but he was finally equipped, within the course of about one year, with most of the instructions and supplies necessary for his work.[4] He ordered from New York a consular uniform, a sword, and some rather pretentious house furnishings.[5]

Larkin's terms of actual service as consul and confidential agent may be outlined as follows:

---

Comandante and Govonour of California and now am acting in the duties of my office."

Micheltorena to Larkin, April 9, 1844. Has been notified by the Mexican government of Larkin's appointment and of the exequatur. He therefore tenders his official acknowledgment and has notified the departmental officials of California to that effect. Larkin MSS., also *Departmental Records*, 13:74-75.

Larkin's permanent commission, "by and with the advice and consent of the Senate," is dated at Washington, Jan. 29, 1844, and is signed by John Tyler, President, and A. P. Upshur, Secretary of State. The question at once arose in Larkin's mind as to whether a second exequatur must be issued by Mexico for his new commission, but he was informed by the State Department in a despatch dated Oct. 25, 1844, that such was not the case.

Larkin's consular bond for $2000 was approved Dec. 20, 1844, by John C. Calhoun.

Copy of Larkin's printed announcement sent to M. G. Vallejo. Vallejo, *Documentos*, MSS., 12: 22.

[4] *Monterey Consulate Accounts*, vol. 1, fly-leaf. The letter from Governor Micheltorena, addressing Larkin as United States consul, cited in Bancroft, *Hist. of Cal.*, 4:385, note 7, is incorrectly dated Aug. 13, 1843. It should be 1844. See p. 24, note 21, below.

Larkin to Calhoun, April 10, 11, 1844. Requests instructions, seal, stamp, press, flag, coat of arms, etc. Larkin to Calhoun, May 31, 1845. Blank books, flag, seal, and coat of arms received. [Calhoun retired from the Secretaryship of State, March 10, 1845, and was succeeded by Buchanan. Larkin continued to address his letters to the department, as shown in the *Official Correspondence*, to Calhoun until June 5th. After that date a space is left in the transcripts for the secretary's name, *viz.*, "Hon^ble . . . Secretary of State." He first addressed Buchanan by name in a letter dated Sept. 29, 1845.] Buchanan to Larkin, July 14, 1846. The press, by oversight, was not sent before, but will now be forwarded.

Larkin to Hooper, Nov. 4, 1844. Parrott to Larkin, May 22, 1844. Calhoun to Larkin, June 24, 1844 (received May 2, 1845). Larkin may open consular communications sent to all previous appointees in California. See p. 7, note 1.

[5] Larkin to Robinson, April 30, 1844. Robinson to Larkin, June 30, 1844. Larkin to Robinson, May 6, 1845: The uniform, furniture, etc., arrived "this week."

1. As consul, April 2, 1844, to June, 1846.

Thereafter he was engaged in no regular consular activities, and his correspondence and that of the State Department show some uncertainty and confusion as to whether his consulate ended with the military occupation of California by the United States.[6] However, the Secretary of State did not formally terminate his consulate until May 30, 1848, the date of the final ratification, by Mexico, of the treaty of Guadalupe Hidalgo.

2. As confidential agent, April 17, 1846, to May 30, 1848:

(*a*) Campaign of conciliation, April 17, 1846, to about June 14, 1846.

(*b*) Attention to the Bear Flag problem and preparations for the coming of Commodore Sloat, about June 14, 1846, to July 2, 1846.

(*c*) Activities in connection with the military occupation, July 2, 1846, to January 9, 1847.

(*d*) Occasional reports to the State Department on conditions in California until November 16, 1848. On this day Larkin acknowledged the receipt of the despatch stating that his consulate and confidential agency terminated May 30, 1848.[7]

The period of chief historical interest in which Larkin figured conspicuously extends from April 2, 1844, to January 9, 1847. Taking this period up chronologically it may be well to outline his activities.

From the time he entered formally upon his duties, on April 2, 1844, until the close of 1845, he was busied with the regular

---

[6] Larkin to Beach, July 29, 1846: "I visited Admiral Seymour on board his ship (74 gun) on the 21st. inst. On leaving he partly acknowledged our flag ashore by saying to me not now being in office—he could not give me my consular salute as usual." In Larkin's copy book of official correspondence the letter heading, "Consulate of the U. S. of America," is used irregularly beginning with Nov. 16, 1846. See also his despatch to the State Department dated Aug. 27, 1846: "Our conquest of this Country being completed my official capacity as U. S. Consul having expired . . ." He hopes, however, to be continued for a time in his confidential agency. Buchanan to Larkin, Jan. 13, 1847. Addresses Larkin as "late U. S. Consul."

[7] Larkin's correspondence with the State Department takes on no new heading after his appointment as confidential agent. It was indicated in the secret despatch that he should assume no other than his consular capacity.

routine duties of his office. He succored sick and destitute American seamen and had a care for the local maritime interests of the United States; he aided his countrymen in securing justice from local courts; issued passports; and looked after the general rights and privileges of American citizens residing or traveling in California. These activities he reported to the Secretary of State at Washington, including in his reports numerous details about the social, political, and commercial conditions and prospects of California.

In October, 1845, he appointed as vice-consul for the port of San Francisco, William Alexander Leidesdorff, who served actively until the beginning of the conquest in the middle of 1846, and occasionally thereafter.

At the beginning of 1846, Larkin entered into a contract by which the active management of his mercantile business in Monterey was transferred to Talbot H. Green. This left Larkin free to devote more of his time to his official activities.[8]

The return of Frémont to California in December, 1845, soon provided new duties for Larkin. In the latter part of January, Frémont visited Monterey, and in March came the affair at Hawk's Peak. The task of supplying the surveying party with money and provisions, coupled with the work of middleman in the unfortunate breach of relations between Frémont and the Californian authorities, made grave the responsibility of Larkin's position.

On April 17th of the same year, arrived Archibald H. Gillespie on the U. S. S. *Cyane* from Oahu, with a copy of Buchanan's despatch of October 17, 1845, appointing Larkin a confidential agent of the government. The task now definitely assigned to the consul was that of so influencing affairs that ultimately, and if possible peaceably, California should become a part of the United States.

Larkin proceeded to set in motion a vigorous campaign for the prosecution of his new and weighty task, but his work was interrupted in the middle of June by the seizure of the horses from Lieutenant Francisco Arce, and the following Bear Flag insurrection.

[8] Contract, Larkin and Green, Jan. 1, 1846.

The Californians immediately concluded that Frémont was implicated in the movement and even intimated that the consul at Monterey had knowledge of the affair. This of course put an abrupt end to Larkin's plan of "friendly influence."

On July 2, 1846, Commodore John D. Sloat arrived in Monterey harbor, and on the 7th, he hoisted the United States flag on shore.[9]

During the conquest Larkin gave his active coöperation to the military authorities. This period of his activities may be said to end with his release from military captivity by General Flores on January 9, 1847.

During the first half of 1846, before the conquest, as the political situation became more complicated, Larkin gave less time and attention to his regular consular functions. Especially was this the case after receiving his commission as confidential agent. Aid to United States citizens was extended less frequently. The record of help given by Larkin to destitute American seamen ends with June, 1846.

From this time on, practically the only official activity of Larkin, under appointment from the State Department, was the making of his continued reports to that department on the political and economic state of the country.[10] Sometimes these reports were very full and contained many interesting details, especially after the discovery of gold in 1848. Some of these reports telling about the gold discovery were printed and reprinted in the eastern states.

The question as to whether Larkin was consul during this period was raised in 1848 when William Alexander Leidesdorff, of San Francisco, formerly United States vice-consul by Larkin's appointment, died on May 18th, intestate.

Colonel Richard B. Mason felt that Larkin should settle the estate since he had neither resigned nor been deprived of his consular commission. Larkin agreed to undertake the task and went to San Francisco for that purpose. Upon his arrival, however, he found that Leidesdorff had become a naturalized Mex-

[9] See p. 77, note 2.

[10] With his duties under appointment from the Navy Department this work is not concerned.

ican citizen in 1844, and so the estate was turned over for settlement to the civil authorities.[11]

The formal discontinuance of the consulate and confidential agency was announced to Larkin in a despatch of June 23, 1848, from James Buchanan, Secretary of State. The following is an extract from the despatch: "I have now, the exchange of the ratifications of the Treaty of Peace between the United States and Mexico having taken place on the 30th Ultimo, to announce to you the termination, at that date, of your Special Agency and of your consular functions. In doing this it gives me pleasure to reiterate the expressions of approbation of your services contained in my former letters."

[11] Mason to Larkin, May 20, 1848. Larkin to Mason, May 22, 1848. Larkin to Howard, May 29, 1848. Larkin to Mason, May 29, 1848. Larkin to Buchanan, June 1, 1848. Larkin to Green, June 3, 1848.

## CHAPTER III.

### *Aid to United States Maritime Interests.*

At the time of Larkin's consulate the chief duty of a United States consul was to protect those engaged in American commerce.

The most continuous single activity of Larkin along this line was his aid to sick and destitute American seamen. During his term of office, he gave aid to eighteen such seamen. The aid given consisted of one or more of the following items: Board and lodging, medical attendance, clothing, and help in securing passage back to the United States.[1]

The various seamen aided were under Larkin's consular care from a part of one month to an entire year, but the average time was about three months. The expense varied from about fifteen dollars in some instances to over two hundred and fifty dollars in one case. The average expense was about one hundred dollars per man.

Of the eighteen seamen aided by Larkin, ten were from whaling-vessels, seven from trading-ships, and one is unrecorded. Three were shipped again on whaling-vessels bound for the United States, two on trading-ships and one on a United States war-ship. One seaman died while under consular care and several were discharged when they were able to care for themselves.

In the cases of six, it is recorded that when they were left ashore the extra three months' wages were paid into the consul's hands, as provided by the Law of 1803. According to this law also, Larkin turned over two-thirds of the above advance to the seamen, when they were discharged from consular care. In one case, he paid this amount when he should not have done so, because the seaman in question had been supported so long by the consulate as to more than use up that part of the extra wages otherwise due him.[2]

---

[1] *Monterey Consulate Accounts*, 2 vols.

[2] *Circular to Consuls*, Sept. 20, 1844. Larkin to Pleasanton, June 1, 1847.

In at least one case, a seaman, having had trouble with his captain, was discharged by the mutual consent of himself and the captain. Larkin took a signed statement to this effect,[3] and presumably the three months' extra wages were remitted in this case according to the Law of 1840.

In several cases, Larkin aided seamen, discharged from their ships with the consent of the captain of the port, before the United States consulate was established.

The following is a typical entry in Larkin's *Consulate Account Book*:[4] "William Cook. New York. Was left ashore in Monterey September 11, 1843, by Captain William J. Rogers, Master of American whale ship *John Jay* of Sag Harbor [and] by joint consent and permission of the Captain of the Port—said Cook being unable to perform the voyage by reason of sickness. From that date to October 1, 1844, has been on different farms in the country. This day places himself in the charge of this Consulate, as unable to maintain himself. On the 12th of October, 1844, a passage to the U. States was ask'd for on board the American Ship *Barnstable* of Boston, Capt. James B. Hatch, for this seaman, and ten dollars, as allowed by Law, tendered to the Captain. The passage was refused because the vessel was to remain on this coast three months before she sailed for Boston." Following this are items of expense for board and clothing from October 1, 1844, to November 23, 1844, amounting to $138.00.[5] Below this is the following: "William Cook was put on board the American whaling bark *Monmouth* of New York, Hiram B. Hedges, Master, November 23, 1844, and fitted out for the voyage to the United States." (Signed) William Cook, Thomas O. Larkin.

The above entry contains items illustrative of several points about which Larkin had some trouble during his consulate.

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[3] Narvaez to Larkin, Aug. 12, 1844. Statement of mutual consent in the discharge of Henry Daly, signed by Captain Thomas A. Norton and Larkin, Aug. 12, 1844.

[4] *Monterey Consulate Accounts*, 1:5.

[5] Larkin's column here should foot up $148.00 but he makes a mistake in addition. His reports to the department often contained little errors which had to be adjusted. At one time he sent drafts on the Secretary of State, amounting to $3,280,000, and neglected to attach his signature to them. Rogers to Larkin, June 29, 1848.

According to the Law of 1792, masters were compelled to carry destitute seamen to the United States free of charge, provided also that the seamen should work during passage. By the Law of 1803, consuls were authorized to pay to the masters of vessels $10 per seaman thus carried and the seaman was to work in addition.

As may be seen by the above entry, masters of trading-vessels in California refused to transport destitute seamen from Monterey because these vessels generally spent from two to three months after leaving Monterey in trading down the coast and loading hides at the San Diego hide houses before they sailed for the United States.

Larkin referred this matter to the State Department and received in reply a copy of the opinion of Attorney-General John Nelson to the effect that the Law of 1803 made it obligatory for masters to carry destitute seamen only when their ships were bound direct to some port of the United States.[6]

This decision made it impossible to ship such seamen direct from Monterey on trading-vessels. In some instances he secured passage for a destitute seaman to Oahu or San Diego, there to take passage on a trading-vessel bound direct for the United States. Of course it was sometimes possible to secure passage from Monterey on whaling-vessels bound direct to a home port, and this was the method generally employed by Larkin.[7]

Larkin also had trouble as to his expenses in aiding the maritime interests when his accounts were rendered to the State Department. These accounts were handled in the fifth auditor's office of the Treasury Department.

It must be remembered that at first Larkin was hampered by a lack of definite instructions and so his report at the close of 1844 was quite unsatisfactory to the Treasury Department. Items were rejected because of a lack of proper vouchers, and of receipts from seamen for clothing furnished them; also for excessive charges for board and clothing and excessive amounts

[6] John Nelson, opinion, July 10, 1843.

[7] *Monterey Consulate Accounts*, vol. 1, *passim*. But sometimes whaling-vessels too refused to carry destitute seamen, because they were going to fish for some time along the coast or intended to call at some port of South America. Larkin to Calhoun, Dec. 9, 1844.

of clothing furnished; for aid furnished to Sandwich Islanders who were taken from an American whaling-vessel and aided as destitute seamen. In the first statement rendered by Larkin, his account was cut down from $724.22 to $160.62. It was explained to him what vouchers and receipts must be forwarded to the department, and he was given permission to forward additional receipts to cover some of the rejected accounts. He was also informed that no aid could be given to destitute seamen, even from American vessels, unless they were citizens of the United States. Moreover, only the commonest material worn by sailors and a minimum amount of it was to be supplied.[8]

Larkin's replies to the department and to the auditor's office with reference to his rejected accounts were vigorous and obviously satisfactory in some points, especially as to the high prices which obtained in California. Many of his rejected accounts were credited to him later, after he had furnished satisfactory vouchers.[9]

Larkin's consular relations with ship's officers, aside from those relating to destitute mariners, consisted chiefly in receiving and returning ship's papers. In this regard, he wrote to the State Department asking whether a ship spending several months on the coast should deposit its papers and pay the fee therefor each time it visited Monterey. In reply, he received a copy of the opinion of Attorney-General John Y. Mason to the effect that, according to the Law of 1803, masters were required to deposit their papers only when entering their cargo at a custom-house. Of course this meant one deposit only and one fee for Larkin during the entire stay of a vessel on the coast.[10]

We find Larkin exercising a few other functions with relation to ship's officers which may be briefly described as follows: Requesting a captain to deliver to discharged seamen some clothing on shipboard belonging to them; securing from unruly cap-

[8] Larkin's consular returns, Dec. 31, 1844. *Circular to Consuls,* with endorsement, Sept. 20, 1844. Pleasanton to Larkin, June 12, 1845.

[9] Larkin to Pleasanton, June 1, 1847. Vouchers, March 24, 1846, and June 1, 1847, *passim.* Buchanan to Larkin, June 23, 1848. Treasury Department transcripts, Nov. 10, 1908.

[10] Receipt for papers of American ship *Admittance,* Aug. 8, 1844, signed by Larkin; endorsed: "delivered the Register Aug. 13, 1844." John Y. Mason, opinion, June 11, 1845.

tains the pay and discharge of seamen according to law or previous agreement; advising an officer on shipboard as to his rights and duties when under punishment from the captain; aiding ship's officers in securing the return of deserting or otherwise insubordinate seamen on shore.[11]

He decided matters properly belonging to a consular court, and reported to Governor Micheltorena his findings in the cases of several American seamen whom he tried on charges of stealing while on shipboard.[12]

He also at one time took evidence in the case of a seaman who had threatened a ship's officer and had apparently laid plans to kill him. No record of the final action in this case has been found.[13]

In the consular correspondence is found reference to three wrecks, all near Santa Barbara. Two of them, the *Fama* and *Elizabeth,* were American vessels, and the *Star of the West* was an English ship with a cargo belonging to an American. In the two former cases, Larkin informed the captains of the wrecked vessels that they must act as agents for the owners in selling that part of the cargo which was saved from the wreck. In the case of the *Star of the West,* Larkin himself asked for bids on the damaged goods. In this case also, Larkin took care of the stranded English seamen for a time until their needs could be brought to the notice of the English vice-consul at San Francisco.[14]

It also happened early in Larkin's term of office that he aided in sending help to a vessel reported to be on the rocks near Monterey, but the supposed wreck proved to be only a whaling-vessel working near shore. Upon relating this matter to the State Department, Larkin was instructed to report the expenses incurred by him in the affair, but in reply he waived the claim,

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[11] Larkin to Everett, April 24, 1844. Larkin to Paty, Oct. 31, 1844. Larkin to Smith, Oct. 24, 1845. Two letters, Larkin to Dunn, Jan. 22, 1846. Larkin to Richardson, Sept. 17, 1844. Park to Larkin, March 14, 1845. Vincent to Larkin, April 27, 1846.

[12] Micheltorena to Larkin, May 21, 1844. Larkin to Micheltorena, June, 1844.

[13] Several depositions, Oct. 25, 1845.

[14] Larkin's general and consular correspondence, July 31 to Aug. 24, 1845; same, March 6 to 20, 1846; same, Feb. 19 to 29, 1848.

stating that he had taken no vouchers to cover his expense in the matter.[15]

In this connection may be mentioned also the recovery by Larkin of a stolen ship's boat and the sale of it in the interest of the owners.[16]

No evidence has been found to show that Larkin ever certified invoices of goods to be shipped to the United States. Indeed, he informed the State Department that "most the entire exports [hides] are shipt from San Diego, the most southern port of this Department." The consul was five hundred miles northward at Monterey. Moreover, the requirement for certification of invoices by United States consuls was not strictly enforced at that time. These two things probably account for the fact that Larkin seems never to have certified invoices.[17]

Larkin was always vigilant to see that all rights and privileges of Americans in California were safeguarded and we find here and there traces of his activities in securing and maintaining favorable regulations for American commerce on the coast.

It must be remembered in this connection that the government in California never paid much attention to the laws of the Mexican government. It was not uncommon for a governor of California to issue a decree completely annulling or reversing a law of Mexico. Such a decree would be issued, perhaps by virtue of the governor's "extraordinary powers," as a temporary measure, and would have appended to it the saving clause, "Pending its ratification by the Supreme Government." The decree might thus "pend" long enough to accomplish an immediate object and would probably last until another revolution put the decree-making power into other hands.

A striking instance in which the United States consul figured as a chief factor in the protection of American trade privileges happened in 1844. It had long been the custom in California, although it was contrary to Mexican law, to allow certain trading

[15] Larkin to Calhoun, Sept. 16, 1844; reply, Dec. 28, 1844. Larkin to [Buchanan], July 10, 1845.

[16] Larkin to "The Owners of the Ship, *Caroline*, New Bedford," Aug. 10, 1844.

[17] Larkin to Calhoun, Jan. 1, 1845. Jones, *Consular Service of the United States*, pp. 8, 22-25.

privileges to whaling-vessels on the coast. Consequently, these vessels, of whatever nationality, brought with them a liberal supply of merchandise for trade, and, after a time of fishing off the coast, they would drop into a port of California, make necessary repairs, and get a supply of provisions, paying for the same by selling or trading their merchandise. The charge for anchorage fees, tonnage dues, or customs duties for such trade had varied in different years, but it had generally been low and sometimes so low as to give the whalers a decided advantage over the regular trade by merchant vessels. On one occasion, an American merchant in San Francisco had complained to Larkin in a private letter that this trade by whalers "played the deuce" with regular trade.[18]

On January 1, 1844, Governor Manuel Micheltorena issued a decree forbidding, after six months of notice, all further trade by whaling-vessels. In August, the American whaling-vessel *Charles W. Morgan* anchored in the harbor of Monterey, and the captain addressed a letter to Larkin protesting against the withdrawal of trading privileges. After a cruise of thirty-four months, he had touched at Monterey to refit his ship and secure fresh provisions for his crew, some of whom were afflicted with the scurvy. Unless the customary privilege was granted he could not refit his ship, and would be compelled to throw overboard some of the goods that were weighing down his ship.[19]

Larkin at once sent a copy of the captain's letter to Governor Micheltorena and enclosed with it one from himself protesting against the withdrawal of the trading privilege from whaling-vessels, without longer notice than had been given. He suggested a notice of one year.[20]

In a very courteous and convincing reply, Micheltorena explained that the reason for his decree was that the trade by whaling-vessels injured the trade by the regular merchant vessels from Boston, upon the customs revenue from which the government of California depended for its support. Moreover, he

[18] Larkin to "Minister of Legation of the U. S. A., City of Mexico," Aug. 15, 1844. Spear to Larkin, Dec. 7, 1841.

[19] Norton to Larkin, Aug. 12, 1844.

[20] Larkin to Micheltorena, Aug. 12, 1844.

added that the whalers had been accustomed to abuse their privileges by carrying on illicit trade. He felt that a notice of six months was sufficient, and he offered to aid the scurvy-afflicted sailors in every manner possible if they were put on shore by their captain.[21]

Larkin was dissatisfied with his ill success at this time, and soon brought the matter to the attention of the United States Minister in Mexico, urging him to bring it before the Mexican government. The case was also brought by Larkin to the attention of the State Department at Washington. In all of his correspondence, Larkin admits that the granting of this trading privilege to whalers is contrary to Mexican law but urges the long continued practice in California and the general exigencies of the case as cause for protest against the sudden withdrawal of the privilege. He also urged continually the benefit accruing to the inhabitants of California who profited greatly by selling their produce to the whaling-vessels.[22]

Larkin's effort bore fruit.[23] In October, 1844, Governor Micheltorena revoked his former order and granted again to whalers the privileges of trade. Thereafter, whaling-vessels were to be allowed to sell goods, the corresponding duties on which should not exceed four hundred dollars; there was to be an additional fee of thirty dollars paid in lieu of tonnage duties. The reasons alleged for the new order were that it would aid the agricultural interests of California and would not injure the regular trading-vessels which exchanged their merchandise for

[21] Micheltorena to Larkin, Aug. 13, 1844. See Bancroft, *Hist. of Cal.*, vol. 4: p. 376, notes 15, 16, p. 385, note 7, and p. 429. The above letter, cited several times by Bancroft, is plainly dated Aug. 13, 1843, in the original, but the transcriber evidently carried the figure 3 of the month date forward in his mind and thus made a mistake in the year. All the other correspondence regarding the same incident is dated 1844, and Larkin dated the letter 1844 on the reverse side for filing. This is an important letter and failure to note the incorrect date has led Bancroft astray in several places.

[22] Larkin to "Minister of Legation of the U. S. A., City of Mexico," Aug. 15, 1844. Larkin to Calhoun, Aug. 18, 1844. The matter was dealt with in President Tyler's message of Dec. 18, 1844. Calhoun to Larkin, Dec. 28, 1844.

[23] It is probable, however, that the desire for the revenue from the whaling-vessels was a potent factor in moving Micheltorena to the desired action.

hides and tallow. The new decree was to be in force pending its ratification by the supreme government.[24]

It is needless to add that Larkin was very much gratified over the new decree which he indicates was secured only after considerable agitation on the part of himself and others.[25]

Among other instructions, Larkin was furnished with a copy of the circular issued on May 2, 1838, by the State Department, and in this, as in the secret despatch of October 17, 1845, he was instructed to report on the commerce of California.

Therefore, we must note that one of his greatest services as consul was his activity in reporting to the State Department the commercial conditions in California. In these reports he told of various phases of trade, often in great detail. He discussed the tariff laws of the country, reported changes in the regulations, and reiterated constantly the fact that no attention was paid in California to the Mexican tariff laws; he described the methods of trade on the coast, from the entry of cargoes at the Monterey custom-house, through the various trips for retail trade up and down the coast, to the final loading of the hides at San Diego for the homeward voyage; he compiled statistics of the amount of trade, number and nationality of vessels, and the amount of customs duties paid per year.

Larkin's consular activities then, with reference to American maritime interests in California, omitting unimportant details, may be summarized as follows: Aiding sick and destitute mariners; receiving ship's papers; trying, in the consular court, seamen who had committed crime on shipboard; adjusting the relations between officers and seamen; aiding in the return of deserting or otherwise insubordinate seamen on shore; coöperating in the disposition of goods saved from wrecks; caring for American commercial interests in the matter of securing favor-

[24] Manuel Micheltorena, decree, Oct. 19(?), 1844. Copy inclosed in letter, Larkin to U. S. minister of legation, City of Mexico, Dec. 10, 1844. *Departmental State Papers*, Benicia Custom-House, MSS., 4:150-151. Pinto, *Documentos*, MSS., 2:91-92. Vallejo to Micheltorena, Nov. 18, 1844, in *Bear Flag Papers*, MSS., 4. The new decree remained substantially in force until changed by a different decree of Pio Pico, the succeeding governor. Pinto, *Documentos*, MSS., 2, 185.

[25] Larkin to "Minister of Legation of the U. S. of America, City of Mexico," Dec. 10, 1844. Larkin to [Buchanan], July 10, 1845.



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able trade regulations; and reporting commercial conditions to the State Department.

Although the early seizure of California by the United States prevented a long continued activity in any one of the above lines, yet the instances cited serve to illustrate the consular practice of the time as it was worked out under the conditions which then obtained in California; and in the aggregate it may be said that Larkin's consular aid to the United States maritime interests in California was not inconsiderable.

## CHAPTER IV.

### *Safeguarding the Civil Rights of Americans.*

It is impossible to study the documents of the period covered by this monograph without being struck by the generous concessions often made to Americans and other foreigners by the officials of the California government. Of course there were times when a temporary show of rigor toward foreigners was necessary to satisfy the demands of the supreme government of Mexico. Again, some personal matter would make the way of the foreigners in the department less smooth. But, as a rule, law and custom might bend or give way entirely at almost any point by the official courtesy of the local government. Of course the motive of personal gain often entered into the granting of such concessions, but that does not alter the facts of the case. Perhaps various motives at different times combined to affect the result, but certain it is that these motives, fused with the natural politeness of the Spanish people, often brought about an extreme of courtesy in the attitude of the Californian officials toward foreign citizens and especially toward the official representatives of other governments.

This fact is amply illustrated in Larkin's dealings with the officials of California, especially in the matter of securing justice for citizens of the United States who were traveling or residing in the department. Larkin's official activities in this respect fall under two headings, that of his own judicial authority as consul, and that of his influence on the proceedings of the departmental courts.

His activities in trying seamen for crimes committed on shipboard have been discussed at length in the previous chapter.[1] Aside from this Larkin states, in a despatch to the State Department, that alcaldes from every part of California send cases involving Americans to him for confirmation, sometimes even ask-

[1] See p. 21.

ing him to decide the case. This, he adds, he was unable to do.[2] If Larkin's statement in this matter is strictly correct, he was offered powers of extraterritoriality. However, no confirmatory evidence has been found as to how these cases were brought to him. It is possible that Governor Micheltorena, or other departmental officials to whom cases were appealed, merely talked them over with him in an informal way, asking his advice.[3] However, with the evidence at hand, it cannot be said that the United States consul in California ever exercised powers of extraterritoriality.

As to his influence in securing justice for Americans in local courts there is much evidence. His efforts in this regard may be indicated most clearly by describing a notable case in detail.

The case that seemed at the time most portentious was the Libbey-Spear affair.[4]

Elliott Libbey was captain of the American trading-bark, *Tasso,* and Nathan Spear was an American merchant of Yerba Buena. These two men were assaulted at Yerba Buena by a patrol of Mexicans and Captain Libbey was injured. The story of the affair as told by the Americans is fairly represented by the following, taken from Larkin's formal complaint to the local authorities of San Francisco: "On the night of the eleventh instant [October, 1845], in the village of Yerba Buena, Elliott Libbey, Captain of the American Bark *Tasso,* then at anchor in this port [San Francisco] and Nathan Spear, Merchant of said Village, both citizens of the Government which he [Larkin] represents, were attacked and in a most violent manner assaulted in the streets . . . said Spear was knocked down, and by a timely retreat, escaped with life, that said Libbey was beat and cut by knives or swords, receiving several dangerous stabs in his head, face, and body and left apparently dead on

[2] Larkin to [Buchanan], July 10, 1845.

[3] Larkin and Micheltorena were on intimate terms in social, political, and business affairs.

[4] Authorities used in the following account: Larkin, official and general correspondence, Oct. 12 to Nov. 4, 1845. Francisco Guerrero, correspondence, Oct. 12 to 27, 1845, in Castro, *Documentos,* MSS. Letter, Leidesdorff to Larkin, Jan. 3, 1846. Larkin to Pacheco, Feb. 1, 1846. Pacheco to Larkin, March 10, 1846. Castro to Larkin, April 24, 1846. Larkin to Castro, May 4, 1846. Castro, *Relacion,* 153-154.

the ground. Robert T. Ridley, second alcalde of the village, coming to the assistance of the wounded man, at the time ordered them to desist which order they disobeyed and from their threats said second alcalde and other persons present were forced to leave said Libbey for a time on the ground, afterwards carrying him to the house of Mr. Nathan Spear."[5]

The above version of the affair, as told by Larkin, is apparently in substantial agreement with the facts in the case, but the Californian officials laid more emphasis on the way in which the assault came about. Their version in this respect is that the night patrolmen were seeking for deserters from whaling-vessels. About 11 o'clock p.m., they came upon some seamen who proved later to be from the *Tasso*. These men refused to halt at the command of the patrol and two of them were seized. While they were being led to prison, Captain Libbey and Mr. Spear appeared and the former made an assault upon the patrol with the serious results above noted.[6]

Whatever details there may have been favorable to this side or that, the Americans about the bay saw only one side. The affair to them was a terrible outrage, a brutal affront to the Americans in California. Perhaps, too, it was the initial outbreak of a growing spirit of bitterness on the part of the Californians, which would soon manifest itself in an attack in which the few Americans in the vicinity would have to fight against heavy odds for their rights and their lives.

Depositions were at once made before the British vice-consul, James Alexander Forbes, and these were sent overland to Larkin at Monterey, together with urgent appeals begging him to secure speedy justice for the American cause. A petition was also sent to Commander Hugh N. Page, of the United States war-ship *Levant*, then lying at Monterey, urging him to sail at once for San Francisco in order to give protection to the American interests there.

Larkin and Commander Page needed no urging in the matter. They heard of the affair on the 15th, practically three days after it happened, and although the *Levant* was then preparing to

[5] Larkin to Guerrero, Oct. 22, 1845.

[6] Castro to Larkin, April 24, 1846.

leave the coasts of California for home, Commander Page agreed to carry Larkin to San Francisco. They apparently left Monterey on the 19th, and on the 22nd Larkin filed his formal complaint with the authorities at San Francisco. Before leaving for the north, however, he had made urgent demands for justice upon the higher departmental officials at Monterey. The result was that José Castro, commander-general of Alta California, and Manuel Castro, prefect of the second district, went overland with soldiers to San Francisco to have a part in settling the affair.

After arriving at San Francisco, Larkin seems to have dealt for a few days directly with Francisco Guerrero, subprefect of the second district. In arranging for the preliminary examination of the assailants of Captain Libbey, the local authorities seem to have borne gracefully with a somewhat autocratic attitude on the part of the United States consul. The only disagreement of importance was with regard to Larkin's demand for haste in taking the evidence and punishing the culprits. The reason for this desire for haste on the part of the Americans was that the war ship *Levant* could remain only a short time for the protection of American interests. Indeed the Americans on shore united with their consul in petitioning Commander Page to remain a few days longer in order to protect his countrymen from a possible outbreak on the part of the Californians. Thus Larkin demanded a hasty examination for the members of the patrol who had attacked the Americans.

Guerrero, the subprefect, on the other hand, wanted to delay the trial because of the fact that the local alcalde was a kinsman of those concerned in the assault, and it seemed difficult to get anyone else to act. The alcalde of San José refused to come up to take the case and Guerrero had little success in getting any competent person at San Francisco to take it by special appointment.

But Larkin would not listen to delay. The tone and content of his demands may be judged from the following extract from his letter of October 24th to the subprefect: "The undersigned notices your observations, that the case cannot be conducted at present, because the persons in authority at Yerba Buena are

relations to those who committed the crime. For himself and for Messrs. Spear and Libbey, he waives his excuse, and demands that you will this day commence the declarations at the room already used the present week for this purpose, in the Village of Yerba Buena, and command the attendance of such witnesses as you may deem necessary and the undersigned may bring forward, and continue the examination day by day until completed. The undersigned wishes to attend personally these examinations and will endeavor to have an impartial interpreter and secretary to aid in the proceedings."

The replies of the subprefect to Larkin's letters showed in all cases a courteous forbearance and practically all of the demands of the consul were granted. The examination of witnesses was hastened and Larkin was cordially invited to be present. Because of the consul's demand for haste, the alcalde of San Francisco, although related to the assailants, took up the case, but two "impartial associates" were appointed by Guerrero to aid him, in order that the examination might be fair to the Americans.

On October 24th, Larkin wrote to Commander Page: "The Sub Prefect and myself have come to the conclusion to commence on the 27th instant an open examination of witnesses, and I am confident that in time, some of the persons we complain of will be punished."

The investigation proceeded so satisfactorily that on the 30th, Larkin expressed the belief to Commander Page that the preliminary investigation could be brought to a close within three or four days.

It is evident that Prefect Manuel Castro arrived in San Francisco from Monterey before the end of the investigation and took charge of the matter personally. On November 4th, Larkin wrote to the State Department as follows: "The Prefect is now conducting the trials. I have every reason to believe, that those convicted of this high handed affair, will be banished from California, the authorities showing every disposition to have an impartial trial."

The crisis of the Libbey-Spear affair passed with the preliminary examination. The subsequent references are meager and

the general interest in the case seems to have died out. There were reasons for this. Captain Libbey, whose case for a few days seemed critical, rallied and recovered. The Californian authorities state that he was well in a few days. Larkin claims that he was confined to his room for a month. At all events he recovered, and his recovery relieved the most serious phase of the case. At the same time came the delay between the preliminary examination and the trial. This gave time for hot blood to cool, and also for the troubles between Frémont and the Californians to divert attention.

It is clear that the assailants of Captain Libbey were consigned to the San José prison to await trial, and that the procrastinating tendency of the local authorities let the case drag on for weeks and months without trial.

In February, 1846, Larkin wrote to the authorities at San José to the effect that he had heard that the prisoners were out on bail. This, he claimed, was contrary to Mexican law, since they were liable to corporal punishment. At this time Larkin met one of the sharpest rebuffs in his consular experience. The justice of the peace at San José replied in effect that he was not responsible to the United States consulate for the care of his prisoners.

Larkin then showed some renewed vigor in taking the case up with Prefect Manuel Castro. The reply was that since Captain Libbey's recovery the case against the prisoners was not so serious and therefore they might be admitted to bail pending trial. The prefect also claimed that Captain Libbey had formally withdrawn all personal claims in the affair and had expressed a desire that the case be settled only with a view to subserving the public interests. To this latter end the prefect would pursue the matter to a just conclusion but felt that Larkin's part in the affair was ended with the withdrawal of Libbey's personal claims.

In May, Larkin replied to the prefect, refusing to believe that Libbey had withdrawn his claims and insisting that the case be continued and the accused men punished.

Here ends the story of the Libbey-Spear affair. In about one month came the Bear Flag uprising, and within two months

Admiral Sloat sailed into Monterey Bay. These events were sufficient to drawn away from pending trials the attention of the United States consul and the Californian authorities.

To sum up the affair from the view point of consular activities in California, it may be said that so long as the case seemed serious and Larkin gave to it his active personal attention, practically all of his demands were granted, and the affair was handled with apparent fairness and unwonted despatch by the Californian authorities. When delay and loss of interest in the case came, then the consul's renewed efforts were less efficacious, and the Libbey-Spear affair, with all other petty quarrels between Americans and Californians, faded into the more strenuous scenes of rebellion and conquest.

The further activities of Larkin in securing justice for Americans from the Californian government, though not many, were vigorous and seem to have brought results in most cases.

In one instance he asked for an immediate trial in the case of some American seamen who claimed to have been imprisoned for over thirty days without a hearing. The trial was under way within a week and the men were discharged.[7]

Again, Larkin sought justice indirectly for himself in the case of a Sandwich Islander in his employ who, he claimed, was assaulted and robbed by a soldier of Governor Micheltorena. The matter apparently received prompt attention from the governor, for Larkin noted at the foot of his complaint that the soldier was kept in irons for several months, and then sent back to Mexico.[8]

The story of the arrest and temporary deportation from California of Isaac Graham and other foreigners in 1840 lies outside the scope of this writing, both chronologically and with regard to subject matter. It may be noted here, however, that in 1844 Graham requested Larkin to take up his claim for damages against Mexico. Larkin forwarded Graham's letter to the

[7] These were the seamen turned over to Larkin for trial in his consular court, see p. 22. Larkin to the justice of the peace, Monterey, May 8, 1844. Reply, May 13, 1844.

[8] Larkin to Manuel Micheltorena, Nov. 14, 1844. But the man was no doubt merely sent to Mexico along with others of the defeated party after the successful revolution against Micheltorena. See also deposition by Peter Perry, Nov. 14, 1844.

State Department and on several occasions urged the justice of the claim. The only result was, however, the information from the department that Mexico had assured the United States commissioner, General Waddy Thompson, that Graham's claim would be settled according to the previous agreement for such cases. Larkin communicated this intelligence to Graham and nothing further developed during the period of the consulate.[9]

There were several cases in which Larkin secured better treatment for American prisoners in California. In one instance he urged the claim of a prisoner for better food; again, the Californian authorities granted his request that an American be excused from labor with the other prisoners at the public works.[10] There are other cases where the record is not complete but is sufficient to show how common it became for Americans to bring their wrongs, real or imagined, to the consul at Monterey. One man brought complaint about stolen horses; another had been refused justice when his shop at San José was robbed; an American woman wanted the local authorities to protect her from an abusive husband.[11] While the evidence does not indicate the success of his efforts in each case, it is plain that he was ever ready to urge any fair claim for his countrymen, and it may be safely said that he was generally given a courteous hearing by the officials of the Californian government.

[9] Graham to Larkin, April 18, 1844. Larkin to Calhoun, April 20, 1844. Calhoun to Larkin, June 24, 1844. Larkin to Graham, May 16, 1845. Larkin to Buchanan, June 15, 1846.

[10] Larkin to Narvaez, Sept. 10, 1844. Same, Sept. 6 (?), 1844.

[11] Larkin to the alcalde of Yerba Buena, June 6, 1845. Bellomy to Larkin, May 6, 1845. Larkin to the alcalde of San José, June 6, 1845.

## CHAPTER V.

### *Miscellaneous Activities.*

One of the greatest concerns of Larkin seems to have been that he might be helpful to emigrant parties arriving in California from the United States or the Oregon country. Some days before he formally opened his consular office, he wrote to John A. Sutter, asking him to inform immigrants as to how they might secure their passports for their stay in California.[1] In this connection it should be remembered that almost all the parties arriving in the country at this period, whether they came over the mountains from the east or down the valleys from Oregon, made their first permanent stop at the settlement around Sutter's Fort, in the lower Sacramento Valley, near the site of the present capital of California.

The settlement at Sutter's Fort was called New Helvetia, and John Augustus Sutter, a Swiss settler who had become a naturalized Mexican citizen, was the alcalde. To this man Larkin applied at once upon taking up his consular duties for prompt and detailed information about each new party that might arrive in the valley. The desired information seems to have been given cheerfully by Sutter, and Larkin's despatches to the State Department abound with information about new arrivals from "the States" and "the Oregon."[2]

On some occasions too, Larkin sent official communications to parties arriving at New Helvetia, giving them advice as to their settlement in California, and proffering his services as consul and countryman.[3]

In his first order to New York for consular supplies, he

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[1] Sutter to Larkin, March 28, 1844. Will give the information to immigrants as Larkin desires.

[2] Larkin to Sutter, April 29, 1844. Sutter to Larkin, July 17, Aug. 7, and Dec. 10, 1844.

[3] Sutter to Larkin, July 17, 1844. Larkin "To the emigrants recently arrived at the Sacramento River," Nov. 12, 1845. Larkin to Sutter, Nov. 12, 1845. Same, Jan. 20, 1846.

secured one thousand blank passports, five hundred printed in English and five hundred in Spanish. At first it was necessary for immigrants to come to Monterey to secure these passports. This proved inconvenient and Larkin sent some of the blank forms to Forbes, the British vice-consul at San Francisco, with authority for him to issue them to Americans. The fee charged for each passport was to be two dollars. Forbes issued these passports in Larkin's name, taking in each case a certificate to be returned to the consulate at Monterey. When Leidesdorff was appointed vice-consul at the close of 1845, Larkin sent some blank passports to him but no record has been found of whether he had occasion to use them.[4]

The question of the family relations of Americans on the coast early forced itself upon the attention of the Monterey consulate. During the first year of Larkin's term of office he asked the State Department repeatedly about the question of the marriage of Americans in California. He referred several times to the fact that John A. Sutter, as alcalde of New Helvetia, was performing the marriage ceremony for Americans when they so desired. This to Larkin's mind was illegal, since by the laws of Mexico only a Catholic priest could solemnize marriage. Yet the question was a perplexing one, because men and women arriving in the far-away land of California seemed anxious and determined to unite their fortunes in wedlock. Larkin understood that it was proper for a United States consul to perform the marriage ceremony for his countrymen on board an American ship, and basing his conclusions upon that fact he finally consented to marry one couple in the consular house. It was probably a pressing case. The couple were both from the state

[4] Larkin to Robinson, April 30, 1844. Same, May 6, 1845. Larkin to Sutter, Aug. 7, 1844. Larkin to Forbes, June 9, 1845. Reply, June 25, 1845. Larkin to Green, Oct. 30, 1845. Howard to Larkin, Nov. 30, 1845. Larkin to Leidesdorff, Jan. 20, 1846. Forbes to Larkin, Feb. 24, 1846. Passports were also issued by the California alcaldes, and in this capacity Sutter sometimes issued them to immigrants; see original of one issued by Sutter, in Vallejo, *Documentos*, MSS., 12:151. See also Sutter to Larkin, July 15, 1845. But the policy of the local government was so changeable with reference to foreigners, and so seldom in accord with the decrees of Mexico against foreign immigration, that it would be difficult to discover any system in the practice of granting passports at this time. For records of passports, see *Departmental State Papers*, Juzgados and Naturalization, MS.

of Missouri, and Larkin could get no information from the Secretary of State on the question. So the marriage was effected and in reporting the case to the State Department, Larkin emphasized the solemnity of the occasion by stating that it took place in the consular house "with the Flag flying." He later received word from Buchanan that there was no law authorizing a United States consul to perform the marriage ceremony, and that, according to the interpretation of Chancellor Kent, the local laws and customs should be adhered to in carrying out the marriage rite.[5]

In one case the questions of divorce and remarriage united to perplex the consul. A man and woman had been married in Oregon and on coming to California the woman refused to live longer with her husband. The latter appealed to Larkin in the matter, asking that he use his influence to restore to him his lawful wife. The consul used his best powers of argument with both of the parties in his efforts to effect a reconciliation. His efforts were of so little avail that in reply the man and wife sent to him a joint and urgent request for a divorce. This he peremptorily refused as beyond his power, and stated that the only thing that he could suggest was for them to prepare a certified statement of their desires and the reasons therefor, which statement might be used by the husband in securing a divorce in "the States" whither he declared his intention of going at once. However, Larkin stated to them that he doubted whether they had any sufficient grounds on which to secure a divorce.

The next heard of this case by the consul was that the parties had in some way, probably by a written mutual agreement, taken steps by which they considered themselves divorced, and the woman had been united in marriage with a second husband by the alcalde at New Helvetia. Larkin protested vehemently against the obvious illegality of this whole proceeding, but his protest was apparently fruitless.[6]

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[5] Larkin to Calhoun, April 11, 1844. Same, Aug. 18, 1844. Same, Jan. 1, 1846. Buchanan to Larkin, July 14, 1846. Larkin to Beach, Sept. 30, 1845.

[6] Letters to Larkin, Dec. 4, 1844, Feb. 12, 1845. Letters by Larkin, Dec. 24, 1844, March 16, 1845, Jan. 20, 1846.

Late in 1845 a couple, married by Sutter at New Helvetia, came down to San Francisco, where the woman found that she had been deceived as to the desirability of her newly-wedded companion. She at once declared that her marriage was illegal according to the laws of the country, and applied for protection to the vice-consul, William A. Leidesdorff. He referred the matter to Larkin who seemed not to know what could be done in the case, but took the occasion to write to Sutter and explain to him the trouble likely to be occasioned then and thereafter from marriages by the alcalde, which were not in accord with the laws of the country.[7]

In another case Larkin tried to summon before him an American couple, who had been living together illegally as he believed. The parties refused to appear at Monterey and the alcalde at Santa Cruz, where they were residing, seemed unable or unwilling to do anything in the case. The man insisted on his determination not to leave the woman and Larkin's efforts to separate them seem to have been of no avail.[8]

In one instance an American woman, with eight children, applied to Larkin for protection against her husband who molested but refused to support the family. It has been noted in the preceding chapter that Larkin applied to the alcalde of San José for the protection of this woman against her husband. At the same time the consul thanked one of the mission padres of Santa Clara for aiding this woman in building a house near the mission. Later on, the question arose as to the claims of the father on the minor children of this family. Larkin rendered the decision that, according to the laws of the United States, the father should have the children if he was able and willing to support them properly. Larkin's knowledge of the "laws of the United States" was undoubtedly in the form of a very much generalized mental digest. However, the above instances indicate a serious effort on the part of the consul to deal with some perplexing questions

[7] Letters to Leidesdorff, Dec. 31, 1845. Leidesdorff to Guerrero, Jan. 1, 1846. Larkin to Leidesdorff, Jan. 20, 1846. Larkin to Sutter, Jan. 20, 1846.

[8] Larkin to the justice of the peace, Santa Cruz, Nov. 19, 1845. Reply, Dec. 4, 1845.

arising from the family relations of Americans in a strange country.[9]

When citizens of the United States died in California, Larkin seems to have been careful to notify the State Department and, when possible, the relatives of the deceased.[10]

We have noted in a preceding chapter how Larkin was about to settle the estate of William A. Leidesdorff in 1848, but desisted when he found that the deceased had been a naturalized Mexican citizen.[11]

There is fragmentary evidence that the consul settled a small estate for a seaman who died of consumption while under consular care. In writing to the relatives, Larkin stated that he would soon collect the back wages of the man and send them to the father in obedience to the dying request of the seaman. There is also preserved a certified list of the man's personal effects, with an estimated valuation by two traders of Monterey.[12]

In one case, Larkin persuaded a dying man to make a will a few days before his death. The mother of this man proved to be an indigent widow in Virginia, who could not even write her own name. She or her agent received through Larkin at least three installments accruing from the estate, amounting to eight hundred and fifty dollars. The consul also forwarded to her the deeds to some property in Indiana.[13]

Somewhat of an international complication in miniature occurred when an Indian, who had come from Oregon with his people on a hunting trip to California, was murdered by an

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[9] Letter to Larkin, June 6, 1845. Larkin to Pico, June 6, 1845. Larkin to Rial, June 6, 1845. Larkin to alcalde of Yerba Buena, June 25, 1845.

[10] Larkin to Buchanan, Dec. 31, 1845. Larkin to Mrs. Dolly Harner, April 23, 1844. Larkin to Pierce and Mrs. Joseph Blaney, March 20, 1844. Larkin to John and Elizabeth Goddard, Boston, March 30, 1845.

[11] See p. 15.

[12] Smallpox and consumption are the fatal diseases most often mentioned in the Larkin correspondence as prevalent in California at the time. Larkin to John Pierce and Mrs. Joseph Blaney, March 20, 1845. Certified list of Wm. Pierce's effects, March 31, 1845.

[13] Larkin to Mrs. Dolly Harner, Morgantown, Va., April 23, 1844. Dolly Harner, by N. B. Madera, to Larkin, June 30, 1844. G. R. C. Allen, Morgantown, Va., to Larkin, Oct. 1, 1845. Same, Dec. 21, 1848. Same, March 3, 1853. Same, April 20, 1853.

American settler at New Helvetia. The Indians beat a hasty retreat to Oregon and there prepared, so it was claimed, to invade California two thousand strong. Elijah White, United States sub-Indian agent in Oregon, began a vigorous correspondence about the matter with the Californian authorities. Larkin, as United States consul, took a prominent part in the correspondence, but the machinery of departmental justice, slow in the most auspicious circumstances, failed utterly in dealing with a case involving external relations. Interest in the case was roused intermittently by reports of impending Indian invasions, the last scare coming and going in the fall of 1846.[14]

Among Larkin's miscellaneous activities may be mentioned his appointment of William Alexander Leidesdorff as vice-consul for the port of San Francisco. The appointment was made at the time of Larkin's visit to San Francisco in the fall of 1845 just after the attack on Libbey and Spear had occurred. It seemed to Larkin that the maritime and other interests of Americans about the bay would profit by the presence of a vice-consul there. So he made the appointment and Leidesdorff promptly accepted it. Larkin then notified the Californian authorities and asked them to recognize the appointment temporarily, pending its ratification by the United States and Mexico. The replies from the local officials were only partly satisfactory. Some ratified the appointment and some did not. José Castro, commander-general, acknowledged Leidesdorff at once, while Governor Pio Pico declined to do so until orders to that effect should come from Mexico. The lower officials of the department also differed in their action on the case. No trace has been found of the ratification of the appointment by the United States government for which Larkin applied to the State Department, and it is probable that the matter was purposely left in abeyance on account of the near approach of the war with Mexico.[15]

[14] White, to the "American Consul for California," May 16, 1845. Sutter to Larkin, July 21, 1845. Larkin to Clyman, Oct. 29, 1845. Larkin to White, July 31, 1845. Larkin to Buchanan, Sept. 29, 1845. References are here given only for Larkin's part in the affair. For extended references on the entire incident see Bancroft, *Hist. of Cal.*, 4:545, note 66; 5:301-302, notes 12, 13.

[15] Larkin to Leidesdorff, Oct. 29, 1845. Reply, Oct. 29, 1845. Castro to Larkin, Nov. 10, 1845. Leidesdorff to Larkin, Nov. 18, 1845. Same,

In the face of these difficulties, Larkin advised Leidesdorff to act as vice-consul in matters to be settled with Americans on shipboard and to get along as best he could with his duties on shore. The vice-consul acted on this advice and in a small way cared for the maritime interests of the United States at San Francisco. He opened an office, received ship's papers, gave temporary aid to disabled seamen, and referred to Larkin matters that seemed beyond the powers of the somewhat hampered vice-consulate to settle. Indeed, his chief activity and usefulness consisted in referring to Larkin matters that concerned the maritime or other interests of United States citizens. Especially at the time of the Bear Flag uprising was he useful in sending to Larkin detailed information about the progress of events.[16]

The expiration of Leidesdorff's appointment was a matter of uncertainty at the time, in some such manner as has been mentioned in a preceding chapter with reference to the Larkin consulate. The vice-consul seems to have felt that the conquest in 1846 ended his official duties. However, when called upon to settle a dispute between a seaman and his captain in the fall of 1847, he did so on the ground that his appointment had never been revoked. As far as can be judged from the records this was the last official act of this somewhat irregular and only partially recognized vice-consulate.[17]

Before closing these chapters relating to Larkin's regular consular activities, it is perhaps in order to sum up his work and place an estimate upon it. In so doing mention should be made of the only attack worthy of note ever made upon the value of his official services. In the St. Louis *Reveille* of September 14, 1846, appeared an article over the signature of John Armstrong.

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Nov. 29, 1845. Larkin to Pico, Dec. 1, 1845. Narvaez to Larkin, Dec. 12, 1845. De la Guerra to Larkin, Dec. 20, 1845. Pico to Larkin, Dec. 27, 1845. Larkin to Buchanan, Jan. 6, 1846. Larkin to Leidesdorff, Jan. 20, 1846.

[16] Leidesdorff to Larkin, Dec. 22, 1845. Same, Jan. 3, 1846. Larkin to Leidesdorff, Jan. 20, 1846. Leidesdorff to Larkin, March 19, 1846. Larkin to Leidesdorff, April 19, 1846. Guerrero to Leidesdorff, April 30, 1846, enclosing a proclamation of Prefect Manuel Castro. Larkin to Leidesdorff, May 26, 1846. Receipt by Leidesdorff, June 17, 1846. Leidesdorff to Larkin, June 19, 1846. Larkin to Leidesdorff, June 22, 1846. Leidesdorff to Larkin, June 30, 1846.

[17] Leidesdorff to Larkin, July 12, 1846. Same, Sept. 15, 1847.

This man claimed to have spent some time in California shortly before the writing, and he made severe strictures on the alleged laxity of Larkin's efforts in aiding his countrymen, and other faults in his personal and official conduct. The matter was taken up in the Boston *Post* and other papers and apparently attained a degree of notoriety. Some of Larkin's relatives and friends answered the charges as best they could at the time, meanwhile sending copies of the various articles to Larkin.

It is not worth while to go into the affair in detail. Larkin obtained statements from leading men, American and Spanish, in California, refuting the main charges in a most thorough manner. People in California had never heard of the man who made the attack, and it is probable that some enemy of Larkin wrote the original article under a false name.

Larkin's stepbrother, Eben L. Childs, went to see the State Department in the consul's behalf when the charges were first published and later Larkin informed the Secretary of State that the statements of refutation would be placed in the hands of Mr. Childs. However, the department ignored the whole matter and refused to attach any importance whatever to it.

The best refutation of the attack is the article itself which is filled with obvious misstatements of historical facts, such as the assertion that Larkin had been for years a Mexican citizen. Many Americans in California before the conquest did become naturalized Mexican citizens but Larkin always refused to do so.[18]

In estimating the worth of Larkin's regular official activities in caring for the interests of United States citizens in California, it would not be amiss to state the case negatively by saying that the general trend of the above mentioned attack upon him was diametrically opposed to the truth.

Larkin came to a new country, as did the other men of his time, to advance his own personal interests. He secured the consular appointment because he wanted it. He enjoyed the

[18] Copy of article and introductory remarks from St. Louis *Weekly Reveille*, of Sept. 14, 1846. Rogers to Larkin, Nov. 2, 1846. Same, Nov. 16, 1846. Childs to Larkin, Dec. 10, 1846. Bidwell to Larkin, April 26, 1847. Larkin to Buchanan, April 29, 1847. Juan B. Alvarado to Larkin, April 30, 1847. Semple to Larkin, May 3, 1847. Childs to Larkin, Sept. 25, 1847.

honor of it and tried to make it pay financially. It was undoubtedly an indirect help to his business interests. Moreover, in his reports to the State Department, he had a tendency to magnify tactfully his public services. His object seems to have been partly to receive due honor for his labor, but chiefly to strengthen his continued claims for better remuneration.

On the other hand, there are some really notable elements to be found in Larkin's work as consul. He had a hard job and he gave his best to it. No one can go through the correspondence of the time carefully without realizing that Larkin was zealous "in season and out of season" in attending to his consular duties. He should have been better supported early in his consulate. The United States government never gave proper support to its consular officers until the Law of 1856 was passed. Larkin was in a new country where expenses came upon him, probably known, in their exorbitance, to few, if any other consulates. Larkin tried continually to have his remuneration increased but, though his efforts were unsuccessful until he began to act as confidential agent in April, 1846, he never relaxed his attention to duty.

Especially in caring for American commercial interests, in giving aid to destitute seamen, and in guarding the civil rights of his countrymen, were the efforts of the United States consul in California untiring.

## CHAPTER VI.

### *Larkin's Early Attitude Toward the Acquisition of California. April, 1844-April, 1846.*

In considering the part taken by Larkin in the acquisition of California, the subject matter may be divided logically and chronologically into three parts. The first part includes the period from the beginning of the consulate in April, 1844, to April 17, 1846. During this period, Larkin had no definite instructions from the State Department with regard to the acquisition of California. During the second period, he did work under such definite instructions, and this is the period of the confidential agency. It begins with the receipt by Larkin, on April 17, 1846, of his commission as confidential agent, and ends with the beginning of the conquest by Admiral Sloat in July, 1846. The third period deals with the activities of Larkin during the conquest.

The portion of this monograph dealing with Larkin's part in the acquisition of California will, therefore, be divided into three chapters, dealing respectively with the three periods above mentioned.

The period to be covered in this chapter extends over almost exactly two years, from the formal opening of the consulate on April 2, 1844, to the receipt by Larkin of his commission as confidential agent, on April 17, 1846.[1]

At the very beginning of this period, Larkin believed that California would not remain permanently a part of the Mexican Republic, and he looked forward to the acquisition of the country by the United States.

One thing should be said first of all in regard to Larkin's policy for the acquisition. He emphasized unceasingly the need and the justice of continuing on terms of friendship with the

[1] See Appendix 4.

inhabitants of the country. He recognized continually that there were many undesirable traits in these people of Spanish extraction. But their inborn courtesy, hospitality, and good nature appealed to him. Perhaps the bent of the trader also influenced him. As the trader element in every new occupation gets on most smoothly with the original inhabitants of the new country, so it was in California. The traders in California had quarrels with the local authorities, and Larkin himself, as consul, had to deal almost autocratically with them at times. But his dealings in such cases were always tempered by the undercurrent of his desire to be on terms of friendship with them. In the Libbey-Spear affair a prominent trader of San Francisco failed, in Larkin's opinion, to do his duty in supporting the American side of the controversy, because, as the consul put it, "the man was afraid that his trade relations were at stake." So the traders got on better with the Californians than did those who came to take up landed interests. Logically therefore, the Bear Flag revolt began among the latter class in the Sacramento Valley.

Perhaps this trader instinct affected Larkin's attitude. Perhaps it was a mere matter of political expediency with him. Perhaps it was a finer sense of justice than that possessed by some who hungered for the spoils of conquest. More than likely it is that several motives blended to make Larkin's attitude what it was. At all events it is to be remembered that, from the beginning, Larkin gave much thought to the relations of friendship between the Americans and the Californians.

As early as April, 1844, in a despatch to the State Department, Larkin emphasized the fact that the good order which prevailed during the seizure of Monterey by Commodore Jones in 1842 had made a good impression upon the inhabitants of California. In many subsequent despatches, he mentioned this point and emphasized the fact that Americans in the department were hospitably received and kindly treated. It was almost a matter of pride to him that he remained on such good terms with the Californians and with most of the officials.[2]

Larkin, as a general rule, was on exceptionally good terms with the Californians. His friendship for Governor Michel-

[2] Larkin to Calhoun, April 16, 1844.

torena amounted almost to attachment and there was a constant interchange of private and official favors between the two men. Perhaps Larkin's friendship for Micheltorena helped to bring about the strained relations with Pio Pico who displaced Micheltorena as governor. Yet the consul's desire for harmony is shown even here in his continued efforts to come to a better understanding with Governor Pico. The officials often granted him favors, which sometimes even involved a breach of custom or law. And during the troublous times of Frémont's controversy with the local authorities, and at the time of the Bear Flag, and the conquest, it was the United States consul who in many cases could correspond both as an official and a friend with the outraged Californians.[3]

The fact will be noted subsequently that during the conquest Larkin tried to temper at times the rigorous treatment of the Californians, and that he desired continually to have the rights of "the original owners of the country" respected.

Another conspicuous element in Larkin's attitude toward the acquisition of California was his jealousy of the influence of other nations in the country. England and France were the two nations that he feared. In June, 1844, he mentioned to the State Department that a French ship was in Monterey for the purpose of starting a trade between the Marquesas Islands and California. He noted in this connection that the project was being helped by the liberal attitude of the local government in the matter of the commercial regulation of the proposed trade. About one year later, Larkin's correspondence contains several references to the French consul in California. It is rumored that he receives a salary of over $4000. There are scant commercial interests with which he can concern himself. There must be some ulterior motive.[4]

But England was by far the greatest object of Larkin's fear. Again and again, beginning June 20, 1844, he urges upon the State Department, and upon personal correspondents in the

[3] De la Guerra to Larkin, Aug. 16, 1844. Larkin to Micheltorena, March 21, 1845. Larkin to Sterns, April 12, 1845. Alvarado to Larkin, April 30, 1847.

[4] Larkin to Calhoun, June 20, 1844. Same, July 10, 1845. Larkin to *Journal of Commerce*, N. Y., July, 1845.

United States, that the English settlements in Oregon were not temporary but permanent. In a letter of August 4, 1844, to Senator Robert J. Walker, Larkin says "I am aware that some of our senators are under the idea that the English are leaving their possessions at the Columbia; the reverse is the case; their people, their business, and their flocks are increasing, their fields and cultivations keep pace with these views; last week one of their vessels put into San Francisco with as I understand a load of flour and boards for the Sandwich Islands."

Such were Larkin's ideas about the English in Oregon and thus he was moved continually to the belief that the Hudson's Bay establishment at San Francisco had great political significance.

The presence of the British vice-consul in California on a salary of $1000, with no great duties in the way of guarding commercial interests and even with permission to live in the interior if he so desired, seemed all too suspicious to Larkin. With regard to the objects of France and England in having consular representatives in California, Larkin wrote in July, 1845, that sometime "Uncle Sam will know to his cost."[5]

The Hudson's Bay agent in San Francisco was said to have sold supplies to the successful revolutionists against Governor Micheltorena early in 1845. Then, when it was reported that Mexico was sending a new governor with troops to enforce his claims, the word was spread that an English house in Mexico guaranteed funds for the expedition. Larkin took careful note of these rumors and mentioned them over and over again to his government that it might be on its guard.[6]

Recent study has shown that the British government had no designs on California. The same study has shown, however, that British agents were not in sympathy with the attitude of their government, and tried to change it. The vice-consul at San Francisco himself forwarded to his government, with his own endorsement, a proposition of some revolutionary Californians

[5] See Appendix 2, for a more extended notice of the European consular representatives in California.

[6] Larkin to [Buchanan], July 10, 1845. Larkin to *Journal of Commerce*, N. Y., July, 1845.

to put California under the protection of Great Britain. Therefore, judging by the appearances in the case, Larkin had little to lose and everything to gain by regarding with jealousy any growth of foreign influence in California.[7]

When Larkin first reported to the State Department as to the Hudson's Bay Company on the coast and the general status of American and foreign influence in Oregon and California, he received the following encouragement and admonition in a despatch dated October 25, 1844; "The information . . . is of an important and interesting character, and it is earnestly hoped that you will continue to report to the Department, such facts as may come to your knowledge touching the political condition of these Countries, especially if your communications can be made subservient to, or may effect the interest and well being of our Government."

Larkin was never slow to understand the careful statements of diplomatic usage. He complied with the above request. He sent continuous and detailed statements of the ebb and flow of the various currents of political and social life in California. As mentioned above, he kept the department fully informed on the growth, real or apparent, of foreign influence in California. He also wrote at length on the lack of sympathy between California and Mexico. Again and again, he reiterated the fact that Mexican laws were commonly ignored in California. He told also in detail of the military equipment of the department, of the lack of support from Mexico, and the consequent turmoil and instability inherent in the local government. Aside from these things, he magnified the potential greatness of California in agriculture, mineral wealth, and commerce. He gloried in the increase of American immigration to the country and when he could do so truthfully he told of the good feeling that existed between Americans and Californians.

Such information from the Monterey consulate must have had no small influence on the policy of the United States government with respect to California.

Although Larkin, from the beginning of his consulate, had a

[7] Adams, E. D., *English Interest in the Annexation of California*, in *American Historical Review*, 14 (1909):744-763.

growing conviction that California would not remain permanently a part of Mexico, he was generally quite uncertain as to what the change would be and how it would be brought about.

About the middle of 1844, he had a definite plan which was in line with Tyler's idea of a tripartite treaty between Great Britain, Mexico, and the United States. Larkin had read about it in the newspapers from "the States." The suggestion was to give England certain degrees of territory north of the Columbia in exchange for other degrees of California to be purchased by England from Mexico. Larkin was a California partisan and did not value very highly the Oregon territory. He early emphasized the difficult navigation at the entrance of the Columbia River. He also urged the fact that parties of emigrants removed from Oregon to California, and declared "There is no comparison between the two countries."

So he favored this plan and argued for it in his private and official correspondence. On one point he insisted with especial emphasis. He wanted the proposal extended so as to include all, or most of Alta California, at least far enough south to include Los Angeles. His definite proposal to the State Department was that England be granted eight degrees north of the Columbia River, in exchange for eight degrees of California south of the forty-second parallel.[8]

In the remainder of this chapter will be considered chronologically, beginning about the middle of 1845, Larkin's attitude and activities with regard to the acquisition of California by the United States. This method will provide a suitable background for the succeeding chapter on the confidential agency.

The war scare of 1845 waxed and waned periodically in the far west. Early in June an American from Cape San Lucas brought such a credible rumor of a declaration of war by Mexico against the United States that Larkin believed it to be true, and wrote to the American captains and supercargoes at

[8] Larkin to Walker, Aug. 4, 1844. Larkin to Calhoun, Aug. 18, 1844. For the origin, development, and final failure of the plan, favored by Tyler and Webster, for a tripartite treaty between Great Britain, Mexico, and the United States, see *Niles' National Register*, 70 (1846): 257. Tyler, L. G. *Letters and Times of the Tylers*. Richmond and Williamsburg, Va. 1884-96. 2:260-262, 3:206. Schouler, James. *History of the United States*. Revised ed. New York, c. 1894-99. 4:447.

San Francisco to that effect, advising them to deposit in some safe place on shore certified lists of the debts owed to them by Californians.[9] Proclamations by Pio Pico and official despatches from Mexico in August and September declared that war was imminent. On September 29th, Larkin wrote to Buchanan that news of hostilities was daily expected and that he would ask the warship *Levant* to remain in California waters until definite news should be received as to the results of the Texas Convention of July 4th. So the war question dragged on throughout the fall with only the excitement of the Libbey-Spear affair in the middle of October to divert attention from it.[10]

Larkin's attitude during this period with regard to the future of California can best be learned from the following, taken partly in abstract, partly verbatim, from his letter written late in July, 1845, to the New York *Journal of Commerce*:[11] The presence of the English and French consuls, with large salaries and almost no consular duties, is suspicious. "Why they are in service their government best knows, and Uncle Sam will know to his cost." The products of California are manifold and rich, and "the country presents each year a bolder front to the world. It must change owners. It is of no use to Mexico,"—only "a bone of contention. . . . There is the bay of San Francisco; . . . This bay will hold all the ships in the United States. The entrance is very narrow, between two mountains, easily defended, and perhaps the most magnificent harbor in the world. . . . Some day or other this will belong to some naval power." The foreign trade of California is in the hands of Americans; there are also great numbers of American whaling vessels off the northwest coast and for them the port of San Francisco is very essential. If England, France or Russia should ever own California, "and at some future day declare war against the United States, what will be the result? San Francisco must be obtained, or the Oregon and California must become a nation within themselves." It would be well to give

[9] Larkin to Henry Mellus and Thomas B. Park, June 7, 1845.

[10] For Libbey-Spear affair see pp. 28-33.

[11] Exact date of writing probably July 31, 1845. Letter reprinted in *Niles' National Register*, 69 (1845-1846):203-204.

England eight degrees of territory north of the Columbia River for eight degrees of California south of the forty-second parallel, to be purchased by England from Mexico. Oregon is not nearly so necessary to the United States as California. The future destiny of California is sure to be worked out by a more energetic people than the Mexicans who now possess it. "The time will come, must come, when this country must be peopled by another race."

Such were the almost prophetic utterances of Larkin in July, 1845, and they represent in a general way his belief about the destiny of California from the beginning of his consulate.

As the fall of 1845 wore on, there came a gradual change in the relations between the Americans and the Californians. It would be strictly true to say that the Bear Flag storm of June, 1846, was already brewing. The war rumors from Mexico; the fears that the Californian officials would obey their orders from Mexico and attempt to drive the newly arrived immigrants out of California; the passion aroused by the Libbey-Spear affair; all of these things united to strain the relations between the two peoples.[12]

On November 4, 1845, while in San Francisco attending to the Libbey-Spear matter, Larkin wrote to the Secretary of State, James Buchanan: "There is a strong jealousy springing up in

[12] While the order of July 10, 1845, from Mexico, was not enforced, it is idle to say that many Americans and others did not fear for the safety of the new settlers, or at least believe that there would be serious trouble between them and the Californian officials. See Bancroft, *Hist. of Cal.*, 4:604-608. Compare this with text and cited authorities on Libbey-Spear affair, pp. 32-37, 40, above. Also letter, John A. Sutter to Larkin, Nov. 5, 1845: "I wish you had not been so much engaged by your [Libbey-Spear] trial, that you could come up here to assist your respectable countrymen . . . if it would be not in your power, or in the power of a Man of War to protect them, *I will do it*, . . . The snow is on top of the mountains, their animals are worn out . . . they could not leave the country before the next month of May or June." Also Wm. A. Richardson to Larkin, Dec. 19, 1845: "I arrived here [at Santa Clara, en route by land from Monterey to San Francisco] last night every thing is in a very disorderly state they are fortifying in San José, . . . you will hear very soon of a general turn out if the party goes over to the north to pass over horses as they say, we shall be ready to oppose them and give them a warm reception if required, . . ."

This last statement is significant when it is recalled that the Bear Flag uprising began only about six months later by the seizure of the horses which Lieutenant Arce was bringing from Sonoma to Santa Clara.

this country against Americans. It is a subject of too much importance for me to predict what will be the state and situations of the Californians and foreigners in even five years. I shall be in continual expectations of hearing of some outbreak from one or the other, in one or two years, perhaps in less time."

Such, to Larkin's mind, were the signs of the times in the fall of 1845. On December 10th, Brevet Captain John Charles Frémont arrived at Sutter's Fort, and his presence in California during the succeeding months was destined to hasten the "outbreak" predicted by Larkin.

This was Frémont's third expedition west of the Rocky Mountains and the second to California. He was at this time a brevet captain in the corps of topographical engineers, and the object of his expedition was to determine the most practicable route from the United States to the Pacific Ocean.

It is the purpose here to treat of Frémont's activities only with reference to Larkin's part in them and his attitude toward them.

Frémont visited Monterey January 27 to 29, 1846. During his stay Larkin aided him in securing supplies, and with him held an interview with the Californian officials, the result of which was that a verbal or tacit permission was given to Frémont to winter with his surveying and exploring party in California.[13]

Frémont then hastened from Monterey to meet the larger portion of his party that had entered California by a more southerly route than that taken by Frémont and the others. The two portions of the party had failed to meet earlier at the appointed rendezvous in the San Joaquin Valley, but now they were reunited on February 15th, and went into camp on a vacant *rancho* about twelve miles south of San José.

After remaining there about one week, Frémont and his party moved leisurely southward through the Santa Cruz Mountains, and on March 5th encamped about twenty-five miles from Monterey.

On March 4th, Larkin wrote to the Secretary of State: "Frémont . . . is now in this vicinity surveying and will

[13] For further consideration of the affair at Hawk's Peak, see Appendix 3.

be again at this Consular House during this month; he then proceeds for the Oregon, returns here in May, and expects to be in Washington about September."

On March 5th, as noted above, Frémont encamped about twenty-five miles from Monterey. From his camp he sent a messenger to Larkin with a letter which contained the following: "It would have afforded me pleasure to thank you personally for the kindness of your late letters, but I am unwilling to leave my party, and the presence of my little force might be disagreeable to the authorities in Monterey. I therefore practice the selfdenial which is a constant virtue here, and forego the pleasure I should have found in seeing some little of society in your capital. . . . I shall soon be laboriously employed; the spring promises to be a glorious one, and a month or two will pass quickly and usefully among the flowers while we are waiting on the season for our operations in the north."

So wrote Frémont to Larkin on March 5, 1846. On the same day he received orders from the officials at Monterey to the effect that he should leave the department at once, as his presence was contrary to the laws of Mexico. The succeeding events are well known and will be merely mentioned. Frémont declared that the orders were contrary to the assurances previously given to him, and therefore he refused to comply. The Californians at once mustered their forces, ostensibly to attack the American party, and Frémont fortified a position on Hawk's Peak in the Gavilan range and raised the American flag. After four or five days of military demonstration on the part of the Californians, Frémont withdrew quietly, on the morning of March 10th, and crossed the mountains toward the Sacramento River.

The affair at Hawk's Peak has never yet been accorded the place it should have in this period of California history. It was the first open break of the strained relations already existing between Americans and Californians. It is not surprising that the rupture came, although, had it been avoided, the later Bear Flag outbreak would probably have been postponed until all hostile acts had at least the sanction of regular warfare. Because of the importance of the Hawk's Peak affair, and since

Larkin was one of the chief actors in it, it will be worth while to record briefly the part played by him and his attitude toward the whole affair.

In the first place, it may be noted that Larkin acted as a kind of middleman between the two parties to the controversy. He was on friendly terms with both of them and desired to remain so. In a sense, he was a neutral third party; for during the controversy he kept up a friendly correspondence with both sides and manifested a degree of sympathy for each of the contending parties.

As to his influence in the affair, it was on the side of moderation, trying to get each party to see the viewpoint of the other and not to act rashly through a misunderstanding of motives.

His efforts in this line may be set forth in his own language. When the authorities began to muster troops to march against Frémont, Larkin addressed to Prefect Manuel Castro, and Commander-General José Castro, each a copy of a note from which the following is taken: "The undersigned . . . would therefore take the liberty of saying, that although he is well aware that you, as a Mexican Officer and a Patriot, are bound to take every step that may redound to the integrity and interest of your country, he would further observe, that his countrymen must not be unjustly or unnecessarily harassed from causes that may arise from false reports or false appearances; and would recommend, that if any party is going to the camp of Captain Frémont that it may be commanded by a trustworthy and experienced Officer, which may prevent affairs, on the meeting of the two parties, from being brought to some unhappy conclusion."

To Frémont, Larkin gave the most kindly and sound advice: "It is not for me to point out to you your line of conduct, you have your Government Instructions, my knowledge of your character obliges me to believe you will follow them. . . . Your encamping so near Town has caused much excitement, the Natives are firm in the belief that they will break you up, and that you can be entirely destroyed by their power; in all probability they will attack you, the result either way may cause trouble to

Resident Americans. I myself have no fears on the subject, yet believe the present state of affairs may cause an interruption to business. Should it be impossible or inconvenient for you to leave California at present, I think in a proper representation to the General and Prefecto, an arrangement could be made for your Camp to be continued, but at some greater distance; which arrangement I would advise if you can offer it. I never make to this Government an unreasonable request, therefore never expect a denial, and have for many years found them well disposed to me."

In the very heat of the controversy the alcalde of Monterey, Manuel Diaz, granted a passport to a courier from Larkin to Frémont's camp. The consul returned the courtesy by giving the alcalde a copy of Frémont's reply. His object is stated in an appended note: "With the hopes of its allaying the present sensations, bringing affairs to a better understading, and, that the authorities may not suppose I have any improper correspondence with Captain Frémont." At the same time Larkin wrote to Diaz: "I would with pleasure allay the present sensation, if in my power. . . . I would respectfully advise, that you would, in your letter to the General [José Castro] today, say that I would take the liberty to propose, that he should send a letter to Captain Frémont requesting one hour's conversation, before any extreme measures are taken; as I am of the firm opinion, should that Officer be attacked, much bloodshed will ensue, that may cause not only loss of life to many of the present parties, but cause hereafter much expense, trouble, and perhaps further loss of life to many of our respective Nations, and I am satisfied that no present or future advantage will be obtained by the Country from the circumstances as they now appear. I have reason to believe that Captain Frémont only waits a few days to rest his horses (having purchased his provisions) and intends to remove immediately from California; yet it may be impossible for him to do so while surrounded by people with hostile intentions toward him."

Such was the moderating influence exercised by Larkin in the affair of Hawk's Peak. His efforts must have had an effect in preventing hasty action. As to his influence on Frémont's

actions there can be little doubt. When Frémont received Larkin's note during the afternoon of March 9th he answered the hurrying courier, as he states, without waiting to read Larkin's letter. At least, he did not stop to consider it. "I am making myself as strong as possible, in the intention that if we are unjustly attacked we will fight to extremity and refuse quarter." So wrote Frémont in haste, and the courier made the return journey to Larkin the same day. But, as the evening came on, the note of Larkin must have had its effect on Frémont. Instead of continuing his camp, as he had done for four days, and fortifying it for a "fight to extremity" as he replied to the consul he was doing, early the next morning he and his party pulled down their flag, broke camp, and began their journey over the mountains toward the Sacramento.

A member of the party wrote later, in a narrative of the event that Frémont received an order from the American consul to leave. Judging from Frémont's sudden change of policy after receiving Larkin's note, and from the testimony of the man just mentioned, it is certain that the decision to retire was partly the result of Larkin's influence. Probably it was the direct result of the consul's letter.[14]

Larkin's influence on the attitude of José Castro was probably as great. The commander-general had no desire to come within range of Frémont's riflemen, but he was making a military demonstration that would render the subsequent relations between Americans and Californians more critical. Larkin's advice to him through Manuel Diaz, quoted above, was for a conference with Frémont, and the same thought was expressed to Frémont in the consul's letter. José Castro sent John Gilroy, an Englishman, to the camp of Frémont on the morning of the 11th. This was the first camp made after the party left their fortified position on the morning of the 10th. Gilroy found the camp deserted and the fires still burning. It was understood at the time that Gilroy carried a message from Castro offering Frémont to enter into some satisfactory arrangement to end the controversy. Later there arose improbable rumors to the effect that Castro wanted Frémont to join forces with him, march

[14] Martin, *Narrative*, MS., p. 12.

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against Governor Pio Pico, and declare California independent. It is very probable that Castro simply intended to offer some amicable arrangement to Frémont, which plan had just been suggested to both of them by Larkin.

The affair at Hawk's Peak ended more happily than it might have done, had there been no one to advise moderation to each of the contending parties.

As to Larkin's attitude in placing the blame for the whole affair, it is much more favorable to Frémont than is the opinion of some later writers. Of course, it is a safe presumption to hold that Larkin would be prejudiced in favor of his countryman. But he would never have tolerated such outrageous conduct toward the Californians as some have seemed to see in Frémont's acts at the time. Larkin was present at the interview in January when Frémont was given permission to winter in California. He knew what the agreement was. He examined later into some alleged misconduct of Frémont's men toward a family of Californians near Monterey. This event happened just previous to the breach of relations on March 5th. Larkin's examination of the matter a few days later proved to him on the testimony of the Californians themselves that Frémont was absolutely blameless in the case. In relating the Hawk's Peak affair to the State Department, Larkin held that the greater blame in the matter rested upon the Californians, for a sudden and unwarranted change of front toward Frémont, for their peremptory manner in ordering him out of the country, and for their extremely threatening and blustering actions during the whole affair.

During the controversy Larkin sent a letter to the United States squadron at Mazatlan asking for a war-ship for the protection of American interests. His request was answered by the arrival of the *Portsmouth* within forty-two days.[15]

It is evident from Larkin's correspondence during late March and early April that many people expected further trouble between Americans and Californians. The latter evidently expected, or at least feared, an American uprising. On March 19th,

[15] Larkin to Parrott, March 9, 1846. Larkin to the commander of any American ship of war in San Blas or Mazatlan, March 9, 1846. Larkin to Gillespie, April 23, 1846.

Larkin wrote to Stearns that since Frémont's visit he felt that further developments might be expected. On April 2nd, he said, in a despatch to the Secretary of State, that some Americans were reported to be "about to take possession of a Town in the upper part of the Bay of San Francisco." This statement is significant when it is remembered that Sonoma was seized in the Bear Flag uprising a little over two months later. However, on April 3rd, Larkin wrote to the United States minister in Mexico that, to his mind, the fears of an American uprising were not well grounded.

As to a change in California, sooner or later, Larkin at this time had no doubt. To the Secretary of State he wrote that "much of the wealth and respectability" of California would welcome a change of flag, while office-holders and the lawless element would oppose it. To an eastern newspaper he sent this prophecy: "The fate of California is one of the surest affairs yet in the womb of time." He further specified four ways in which the change to the American flag might come about, and arranged them as follows, in the order, as he believed, of their desirability to the Californians if they should be allowed to choose: 1st. By sale of the country to the United States. 2nd. By war and conquest. 3rd. By the continued immigration of Americans. 4th. By the general settlement and absorption of the country by the expected Mormon immigration.[16]

Such was Larkin's certainty of an early change in California, and such were his ideas of how the change might come.

A few days later the consul's relation to the fast-coming events was suddenly altered. From his government came a definite assignment of duty, by which he was given the grave and responsible task of helping to shape the course of the changing destiny of California.

On April 17, 1846, arrived in Monterey Archibald H. Gillespie, with a commission for Thomas O. Larkin, appointing him confidential agent of the United States Government.

[16] Larkin to Buchanan, April 2, 1846. Larkin to Beach, April, 1846. The exact date of this letter was probably April 1st or 2nd.

## CHAPTER VII.

### *The Confidential Agency, April-July, 1846.*

In a secret despatch of October 17, 1845, signed by James Buchanan, Secretary of State, Thomas O. Larkin was appointed "Confidential Agent in California." This despatch was received by Larkin on April 17, 1846, just six months after the date of its writing.

To understand this despatch it is necessary first to analyze its contents; then to notice its relation to the administration policy at the time it was written, and, lastly, to see its significance and its effect at the time Larkin received it and began to carry out the instructions it contained.[1]

A careful study of the entire despatch shows that the most prominent and oft-repeated statements in it are those instructing Larkin to use every effort to resist the influence of European nations in California. The Californians themselves are to be inspired "with a jealousy of European dominion," and they will have substantial backing in that attitude, for the United States "would vigorously interpose to prevent the latter [California] from becoming a British or French Colony."

Equally significant is the repeated suggestion that if California should "assert and maintain her independence, we [the United States] shall render her all the kind offices in our power as a Sister Republic." Moreover, if the people of California should at some time desire to have their country "become one

[1] See Appendix 4, for the full text of the secret dispatch. It is also printed in full in the *Century Magazine,* 19(1891):928-929. Also in Buchanan, James. *Works;* ed. by J. B. Moore. vol. 6. Philadelphia, 1909. pp. 275-278. A long quotation from it appears in Bancroft, *Hist. of Cal.,* 4:596-597.

It is to be noted here that a copy of this despatch was given to Slidell with his instructions and he was urged to oppose England and French influence in Mexico. He was to correspond with Larkin about the matter if it seemed best. See Buchanan's instructions to Slidell, Nov. 10, 1845, printed in Buchanan's *Works,* 6:294-306.

of the free and independent States of this Union, . . . they would be received as brethren, whenever this can be done, without affording Mexico just cause of complaint."

The reference to the significance of continued American immigration into California and the evident plan to encourage it, indicate that the growth of American influence in the country was an appreciable part of the administration policy.

The statement is also made that the United States would not use "influence" or "improper influence" or "compulsion" to accomplish the desired results. Of course, it would be left to the administration to determine as to what constituted "influence" or "compulsion."

Some other points in the despatch may be merely mentioned. Larkin is to continue to furnish detailed information about the government, commerce, inhabitants, products, and military strength of California; also about the attitude "of the authorities and people towards the United States and other Governments;" and "the rate at which the number of [American] Settlers have been and still are increasing" in California. The Confidential Agent is to receive six dollars per day and "necessary traveling and other expenses," for his work, and is to "take care not to awaken the jealousy of the French and English Agents there by assuming any other than [his] Consular character."

The policy of the United States as indicated in this despatch may be summed up briefly: To resist foreign influence in California and encourage American influence until the country should become independent of Mexico and apply for admission to the United States; in other words, to acquire California as Texas had just been acquired.[2]

[2] Wm. F. Swasey claims that there were secret orders, aside from the above, brought by Gillespie to Larkin and Fremont, which commanded Frémont's return from Oregon and justified his later activities in the Bear Flag uprising. But in one account Swasey speaks of these other orders as oral, while later he states that they were contained in a written despatch which Larkin read to him and then destroyed. Moreover, Swasey reiterates the point that he became Larkin's consular secretary "immediately" following the affair at Hawk's Peak (March 5-10, 1846). This would tend to bear out his statement that Larkin confided to him the alleged secret orders in April. But Swasey was looking for work in Monterey in April and was employed for a short time during that month by Wm. H. Davis (Davis, *Sixty Years in Cal.*, p. 389). Moreover, the

This policy is much clearer when the status of the Texas question at the time is recalled. The joint resolution of Congress offering annexation to Texas was approved by President Tyler on March 1, 1845; on July 4th, the Texas Convention accepted the offer, and on the 13th of the following October, the people of Texas ratified the action of their convention. Meanwhile, to protect Texas from a possible invasion from Mexico, General Taylor advanced into the former territory in July and encamped near Corpus Christi, on the west bank of the Nueces river, in August.[3]

Mexico had long maintained that the annexation of Texas by the United States would be considered a *casus belli,* and the diplomatic relations between the two countries were suspended a few days after the approval on March 1, 1845, of the joint resolution for annexation.

Of course, the war with Mexico would offer ample opportunity for the seizure of California, but months passed by and Mexico, although she made some war preparations, did not open hostilities. Indeed, during September, word came from Dr. William S. Parrott, confidential agent of the United States in Mexico, that the latter nation would probably be willing to receive a commissioner from the United States. This alleged attitude on the part of Mexico opened the way for the conciliatory mission of John Slidell which was first planned by Polk and his cabinet on September 16th. The following days, until November 6th, were devoted to perfecting the plans for the mission, corresponding with Slidell about it, and ascertaining definitely, through the United States consul in the City of Mexico, as to

only record in Larkin's consulate account-books (vol. 2, p. 18) of money paid to Swasey for clerk hire is a voucher, dated Sept. 22, 1846, for $240 paid "in full for my services as clerk in the U. S. Consulate Monterey, for four months ending this day." This is signed by Swasey and would make his clerkship begin May 22, 1846. This point finds a degree of support in Part I, of Larkin's book of *Official Correspondence.* Swasey's handwriting seems to begin with a letter of May 24th. The preceding letter, of May 21st, is in another hand.—See Swasey, *Statement,* MS., 3-10, 27. Same, *Early Days and Men of California,* 52-53.

[3] For recent studies of the Texas controversy see Garrison, G. P. *Westward Extension.* New York, 1906. (American Nation, vol. 17.) chapters 2, 6-10, 13-15. Reeves, J. S. *American Diplomacy.* Baltimore, 1907. 58-162. Reeves, J. S. *The Treaty of Guadalupe Hidalgo,* in *American Historical Review* 10 (1904-1905):309-324.

whether Mexico would receive the proposed commissioner.[4] These days and these events furnish the background for the secret despatch to Larkin, which was written on October 17, 1845.

This setting for the Larkin despatch has never been sufficiently emphasized, and as a result the importance of the orders to the Monterey consulate has not been duly appreciated. With regard to Polk's policy toward California, the Slidell mission and the secret despatch to Larkin represent two component units. These two units are so interrelated and interdependent that neither can be clearly understood nor duly appreciated without the other.

It is now known that Polk planned from the beginning of his administration to acquire California for the United States. To Slidell was assigned definitely the task of acquiring California, or at least a part of it, by purchase from Mexico. But it has been pointed out recently that Slidell's interpretation of his instructions, which interpretation was tacitly accepted by Polk, would have made it possible for Mexico to settle the whole dispute with the United States by conceding nothing more than the Rio Grande boundary for Texas. This is taken to indicate that Polk was not determined to acquire California by "unscrupulous aggression."[5]

[4] Definite assurance that Mexico would receive a commissioner arrived in Washington on Nov. 6th. Parrott himself arrived on the 9th, and the instructions to Slidell were dated the 10th.—Garrison, *Westward Extension*, 207-213. Buchanan's *Works*, vol. 6, contains letters from Buchanan to Consul John Black and Slidell. Reeves, *American Diplomacy*, 269-274. Schouler, James. *Historical Briefs*. New York, 1896. pp. 138-159.

[5] Garrison, *Westward Extension*, 225-233. The publication of much of the Buchanan-Slidell correspondence in Buchanan's *Works*, vol. 6, makes it possible to criticise the defense of Polk in Garrison's *Westward Extension*. In the latter work, p. 217, the reference to the two prime objects of the Slidell mission,—"to counteract foreign influences adverse to the interests of the United States, and to restore the old, peaceful relations with Mexico"—is incorrect. A careful reading of the letter cited, to Slidell, Dec. 17, 1845 (see Buchanan's *Works*, vol. 6, p. 345), makes it plain that "the two first objects" of Slidell were not the above, but to acquire either the Rio Grande boundary or the one farther west including the whole of New Mexico. This understanding was clear between Slidell and Buchanan and thus was more than "tacitly agreed to" by Polk through his Secretary of State. Thus Polk, to be sure, "had not determined to insist positively on having California," because that province might yet be acquired through the Larkin intrigue, or if that failed, through continued pressure upon Mexico that would at last compel her to engage in war. See Garrison, *Westward Extension*, p. 226.

This argument would carry conviction more readily if Polk had not been otherwise occupied. But his policy for the acquisition of California did not depend alone upon the purchase of that province by John Slidell. At the same time that the President was planning the Slidell mission, he wrote the confidential despatch to Larkin and sent two copies of it by separate conveyances, so that it might be sure to reach its destination.[6] The war prospect had apparently failed for the time being; the Slidell mission might not accomplish the purchase of California from Mexico; but there was still one method left for acquiring the coveted country. That was the Texas method. The continued emigration from the United States to California made this plan very safe, provided no European nation should seize the country in the meantime. Hence the consul at Monterey was instructed to warn the Californians continually against foreign dominion, and to prepare their minds for independence from Mexico and for subsequent union with the United States. This is the significance of the Larkin despatch in its connection with the administration policy at the time of the Slidell mission in the fall of 1845. It is necessary to record further that Larkin was to exercise his influence secretly, without assuming any other than his consular character. In this latter capacity he worked under the official exequatur, issued by Mexico in good faith, ratifying the request of the consular appointment that Thomas O. Larkin be allowed "fully and peaceably to enjoy and exercise the said office," and that Mexico "afford him all proper countenance and assistance." The official "*cumplase*" (let it be fulfilled), endorsed by Mexico on the reverse side of the consular appointment, reads with a touch of pathos in connection with the secret instructions of October 17, 1845.

When the secret despatch reached Larkin on April 17, 1846, and he began to carry out the instructions contained in it, the aspect of the controversy with Mexico had greatly changed. On March 15, 1846, after months of delay and uncertainty, Mexico had absolutely refused to receive Slidell, and on April 25th,

[6] Indeed, Gillespie, who first delivered a copy to Larkin, traveled part of the way across Mexico in company with Parrott, Slidell's secretary of legation. Reeves, *American Diplomacy*, 282.

eight days after Larkin received the despatch, hostilities began on the Rio Grande.[7]

Of course, it would take weeks for the definite news of war to reach California. Meanwhile Larkin must obey orders. To make clear the conditions under which he worked, it is necessary to recall some events prior to April 17, 1846.

The original of the despatch of October 17, 1845, was sent in the care of Commodore Robert F. Stockton, on board the United States frigate *Congress,* which sailed, via Cape Horn and Honolulu, and did not arrive in Monterey until July 15, 1846. The copy of the despatch first received by Larkin was brought by Lieutenant Archibald H. Gillespie of the marine corps. He memorized the despatch and thus passed overland through Mexico in safety. From Mazatlan he sailed, via Honolulu, for Monterey on the U. S. S. *Cyane.* On April 17, 1846, he arrived at his destination and delivered to Thomas O. Larkin a copy of the despatch, which he had written from memory.[8]

At this time, the conditions in California for carrying out the secret instructions and conciliating the Californians were not altogether favorable. In the preceding month had occurred the rupture between Frémont and the authorities, and there was still much talk of an American uprising. Rumors of an impending war between the United States and Mexico had long been afloat and they soon began to increase.

There were a few conditions more favorable. Larkin was still on terms of friendship with many of the local officials. The policy of conciliating the Californians was entirely in accord with his former disposition and policy. He felt at the time that the English and French consuls were not exerting any particular influence in favor of their respective governments. There were some prominent Americans and Californians in various parts

[7] Historians, even the most recent ones, differ on the date of the opening of hostilities. April 23, 24, and 25 are the various dates given. April 25 is correct. See U. S. 30th Cong. 1st Sess. House Ex. Docs., vol. 7, no. 60, pp. 141, 292-294.

[8] Larkin to Buchanan, June 1, 1846. See also endorsement at end of Gillespie's copy of the secret despatch of Oct. 17, 1845, in the Larkin papers. Also, *Frémont California Claims,* 12-13, 30-33. *Frémont Claims, House Report on,* 3-4. *Frémont Court Martial,* 372-374.

of the country upon whom he believed he could count at the time or later in carrying out the proposed plan. Finally, almost everyone in California expected some kind of a change to come very soon in the political status of the country. On the day of receiving the secret despatch, Larkin addressed James Buchanan, Secretary of State, accepting the new commission. He entered at once upon his new duties, although he worked entirely in his consular capacity. The only practical difference in his status was that he now received the ample remuneration which he had repeatedly requested of the department.

For the first few days after April 17th, Larkin was busied in writing despatches to the State Department and making provision for the journey of Gillespie northward. The latter was desirous of reaching Captain Frémont as soon as possible, and Larkin furnished him with letters of introduction to various influential persons requesting them to provide him with all needful supplies and help him in every possible way.[9]

Meanwhile, on April 22nd, the U. S. S. *Portsmouth* arrived from Mazatlan, having been despatched by Commodore Sloat in response to Larkin's appeal at the time of the Hawk's Peak affair. The news brought by this vessel made war seem very near. When the *Portsmouth* left Mazatlan, on May 1st or 2nd, the Mexican officials had left that place for the interior, leaving behind them a rumor that the American squadron would probably blockade the port the next day. This was taken by the Americans to mean that the Mexican officials probably had news of war. On April 23rd, Larkin addressed Gillespie at Yerba Buena as follows: "Captain Montgomery (of the *Portsmouth*) is of the opinion that Commodore Sloat may by the next Mail (six or eight days) have a declaration on the part of the United States against Mexico, in which case we shall see him in a few days to take the Country."

The imminence of war and the feeling between the Californians and Americans must have made Larkin feel that the prospects were not favorable for a protracted campaign of conciliation. Indeed, he apparently waited four or five days to see whether Commodore Sloat would not arrive and end the long

[9] Larkin correspondence, April 17-23, 1846.

suspense by taking formal possession of the country in the name of the United States. But Sloat did not come.

Therefore, on April 27, 1846, two days after hostilities had actually begun on the Rio Grande, Larkin definitely opened the campaign planned at Washington more than six months before, when the war prospect seemed dim; the plan which, if the Slidell purchase failed, was to secure California by the method that had proved so eminently successful in the case of Texas.

Larkin's first move was to address letters, on April 27th, to three prominent men; for the northern part of California he wrote to Jacob P. Leese, at Sonoma; for the southern part he addressed Abel Stearns of Los Angeles, and John Warner of San Diego.[10] They were all naturalized Mexican citizens and, with the possible exception of Warner, had held office under the California government. But they were natives of the United States, and Larkin believed that loyalty to their mother country and to their material interests would outweigh any obligations to an adopted government.[11] His letter, a copy of which was addressed to each of the above men, refers definitely to the prospect of war and yet opens the way for the campaign of peaceable acquisition if war should not come. The major part of the letter, partly summarized, partly in quotation, follows:

According to the latest newspaper advices, Slidell's ministry has been refused by Mexico. Great political disaffection has been caused in Mexico by the struggle between Herrera and Paredes. When the *Portsmouth* left Mazatlan [April 1st or 2nd] the Mexican commander general there had left for the interior after publishing a proclamation "informing the Inhabitants that the Com. [Sloat] would on the morrow declare the port in a state of blockade." However, Sloat had no definite news of war, although he was expecting it. "No two contingent Nations can continue long as M. and the U. S. have been of late, war or better terms is the only alternative,—should the former now be the case, I believe that the stars shine over California before the 4th. of July blessing those who see it and their posterity after them." Even if peace should continue, and friendship be established between Mexico and the United States, the

[10] These letters have formerly been quoted under the date of April 17, 1846. See Bancroft, *Hist. of Cal.*, 5:63. Indeed, there are several transcripts in the Academy of Pacific Coast History bearing this date. But see the original draft, April 27, 1846, and the replies of Stearns and Warner, dated May 14 and June 16, 1846, respectively. Moreover, the letter in question contained the news brought by the U. S. S. *Portsmouth*, which did not arrive until April 22nd.

[11] For short biographical sketches of Leese, Stearns, and Warner, see Bancroft, *Hist. of Cal.*, 4:710-711, 5:732-733, 5:767-768.

change in California may be deferred but cannot be prevented. I am partial to the Californians and hope to see them profit by the change.

Only better government by Mexico in California can keep the people here loyal to the former. They already begin to look abroad for help; "some look to England, some to the U. S., and a few to France, the last is a '*dernier resort.*'" But those who look to Europe know nothing of the heavy taxes and impositions suffered by European colonists. Therefore the Californians, as lovers of freedom and independence, should look only to the United States.

Moreover, Mr. Polk has reiterated the Monroe doctrine and will make it good. "The day that the European Colonists by purchase, or the European Soldier by war, places his foot on California soil, that day shall we see the hardy sons of the west come to the rescue!"

"I have thus given my opinion on the state of affairs in California, to you as a friend and countryman of mine, and as a friend of C.; as in saying I care not who hears you read the letter, I must insist on its not going out of your hand, or of a copy being taken by any one; you will oblige me by carefully reading this letter, and with the same care giving me an answer. . . . I must ask of you if you will inform me by a safe conveyance from time to time of any wish on the part of the Gov't or people about to change or better their condition; should circumstances require it, I shall visit the north [south] this summer."

Thus did Larkin launch the administration campaign for the benevolent assimilation of California. The copies of the above letter sent to Stearns, Leese, and Warner brought varied results. Leese replied briefly, after much delay, that his opinion about matters coincided with that of M. G. Vallejo. This probably meant that he was favorable to the United States. The letter to Warner found him away from home, and he did not return until June 13th. On the 16th, he answered that there was a growing feeling that separation from Mexico must come; all would be glad to be under the protection of the United States if war broke out; otherwise, many preferred England; Warner himself felt that only the United States could hold California permanently.[12]

The letter to Stearns at Los Angeles was answered promptly and fully on May 14th, and he is the only one of the three who entered to any considerable degree into Larkin's campaign on behalf of the United States. His letters to Larkin were full and probably indicated quite truly the feeling in the south. He said that people were looking more and more for a change, and the sentiment for independence was stronger in the south than in the north. However, some were in favor of an English protectorate. One question, he said, that some people wanted an-

[12] Leese to Larkin, June 11, 1846. Warner to Larkin, June 13, 1846.

swered, was whether the United States would give immediate and permanent protection to California in the case of a declaration in favor of union with the former country.

In May, Larkin appointed Stearns his confidential correspondent in the south, which position the latter accepted. Stearns's opinion about sentiment in the southern part of California may be summed up as follows: Business men and government officials, for the most part, would favor any change that would secure a stable and permanent government to California.[13]

The matter of foreign influence was brought up by Stearns's reply to Larkin's letter of April 27th. In that letter the writer stated that English agents had offered officially the protection of their government to the Californians. Larkin seems to have doubted this report from the first, but wrote to Stearns at once, requesting definite and minute details about the story. These details Stearns failed to give. Meanwhile James A. Forbes, the British vice-consul, visited Monterey. He discredited entirely the story told by Stearns and others. He represented definitely to Larkin that his instructions from England were to the effect that his government would not interfere in California affairs, but would view with dissatisfaction the transfer of the country to any other nation. From a personal and business viewpoint, Forbes claimed to prefer that California should be transferred to the United States. Larkin weighed these statements and others which came to him indirectly from Forbes, and believed them. His judgment in the matter is the more reliable because he had formerly been so suspicious of England. Indeed, it may be said that from the time he entered upon his confidential agency Larkin's belief in the machinations of European governments in California was distinctly on the wane. This is significant since one of his prime duties was to thwart the influence of France and England in the department.[14]

Recent investigation in the Public Records Office in London

[13] For the relations between Larkin and Stearns see April 27, May 21, 23, 24, 26, 1846, Larkin to Stearns. May 14, June 12, 27, 1846, Stearns to Larkin.

[14] See references cited under note 13 above. Also, Larkin to Buchanan, April 17, 1846. Same, April 18, 1846. Same, June 1, 1846. Larkin to Gillespie, June 1, 1846.

has shown that Forbes represented his instructions to Larkin exactly as they were. Therefore, since Larkin believed him fully at the time, it may be said that Larkin knew at the time of his confidential agency that Great Britain had no designs on California. Indeed, this knowledge accounts largely for his assurance that ultimately his agency would be successful and California would be acquired peaceably by the United States.[15]

Aside from correspondence with prominent Americans, Larkin used a somewhat novel method for influencing the Californians and discovering their attitude toward the United States. He drew up a document purporting to express his own private views as to the future of California, the best course for the people to pursue, and the probable attitude of the United States in the matter. In reality, the paper set forth *in extenso* the administration plan for the acquisition of California, and was largely quoted verbatim from Buchanan's secret despatch. The statement that the United States would not allow European dominion on the Pacific coast, but would herself receive California if the latter should assert and maintain her independence of Mexico,—these important points were prominently developed in the skillful language of the astute Secretary of State. Larkin himself, by a few changes and additions, showed a most conciliatory and friendly attitude toward the Californians, and expressed his belief that if the United States should at some time possess the country, "those who had toiled and spent their best days in advancing the welfare of this department should reap their reward."

In a note to the above Larkin says: "The foregoing document was written by me . . . and translated into Spanish for the purpose of showing it from time to time to different Californians in authority; no copy has been given, nor signature attached to the one shown; I have in every case of any person reading it given it as my opinion of the state of affairs in this country."[16]

[15] Adams, E. D., *English Interest in the Annexation of California*, in *American Historical Review*, 14 (1909):744-763.

[16] For copies of the document, entitled *Address to the Californians*, see Larkin, *Official Correspondence*, part 2, p. 152. Also a copy, wrongly dated, in Sawyer, *Documents*, 18ff. To the Sawyer copy is appended the note quoted in the text above.

It is apparent that Larkin also sent a copy of the above document to Abel Stearns, at Los Angeles, to be used in a similarly discreet manner.[17]

It is difficult to tell just what influence Larkin had at the time or might have had later with the departmental officials. In a despatch of July 20, 1846, to the Secretary of State he told of an interview with the commander-general, José Castro, in which the latter outlined his policy for declaring California independent in 1847 or 1848, as soon as there should be enough foreigners in the country to insure the success of the movement. Of course, no stress can be laid on such a statement by Castro, for ideas and plans were unstable at the time, and there was much idle speculation. But the condition of California had come to such a pass that her leading men were considering the possibilities of a change of government, and it is significant that Larkin could use the document mentioned above and discuss with leading officials the probable separation from Mexico.[18]

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[17] Larkin to Stearns, May 24, 1846.

[18] Revere, in his *Tour of Duty*, tells of an alleged discussion in Monterey with regard to the separation of California from Mexico. The discussion is said to have taken place at or about the time of the military junta held in Monterey in late March and early April, 1846. It is said that Vallejo at this time made his famous speech in favor of placing California under the protection of the United States.

H. H. Bancroft (*Hist. of Cal.*, 5:62) holds that such a discussion was never held. The evidence is with Bancroft, save that perhaps there was more or less casual and unofficial discussion at the time, which later, by repetition, grew into a formal discussion at an official meeting.

Larkin's reports to the State Department at the time indicate a general discussion by leading men of the prospective changes in California. However, there is no hint of any important or formal consideration of the subject. Moreover, this was only a few days after the affair at Hawk's Peak, and Larkin was sending very full reports of political conditions to the Secretary of State. It is impossible to think that he would have overlooked a meeting and discussion of such tremendous import. This seems especially obvious since it was claimed, after Larkin's death, that he was present and recorded Vallejo's speech. This claim can receive no allowance in the light of Larkin's contemporaneous correspondence.—See Larkin to Buchanan, March 27, 1846. Same, April 2, 1846. Larkin to U. S. Minister of Legation, Mexico, April 3, 1846.

Alvarado, J. B. *Historia de California.* MS. 1876. vol. 5, pp. 133-146. Dwinelle, J. W. *Address.* Society of California Pioneers. 16th Anniversary. San Francisco, 1866. pp. 22-27. *History of Marin County, California.* San Francisco, 1880. pp. 64-65. *History of Mendocino County, California.* San Francisco, 1880. pp. 64-65. Lancey, T. C. *Cruise of the Dale.* In San José *Pioneer*, February 1, 1879-April 2, 1881. Revere, J. W. *A Tour of Duty in California.* New York, 1849. pp. 24-32. Sherman, E. A.

Brief reference must be made to the proposed "*Consejo General de Pueblos Unidos de Alta California.*" This council was called for June 15, 1846, and was to be held at Santa Barbara. It was proposed in May by the regular Departmental Assembly, then in session at Los Angeles. The distribution of representatives was evidently arranged to favor the southern faction, which was headed by Governor Pio Pico. The council never met, owing largely to the opposition of the northern faction, led by José Castro. But so long as it seemed probable that it would be held, Larkin planned to be present at Santa Barbara at the time, ostensibly on business. He also arranged, by timely correspondence, to have several prominent men, who were favorable to the American cause, present as delegates. He probably had no real hope of obtaining a definite declaration for the United States at the council, but with Stearns, Bandini, Leese, and Vallejo as voting members of the body, nothing very inimical to the United States would be likely to occur.[19]

Larkin had one definite plan for the council. This plan he talked over with some of the Californians. It was that the delegates should petition Mexico for substantial aid in establishing a stable government in California, at the same time advising the sale of the department to another government if the requested help could not be given. Larkin was sure that Mexico could not give the required aid, and the above petition would show to the interested parties and to the world the necessity for a change of government.

In reporting this proposal to the State Department on June 1, 1846, Larkin wrote: "The opinion I advanced appears to those concerned so unpatriotic, that they cannot listen to it at the first hearing and view, yet time and their situation may produce the same opinion among themselves, as a constant revulsion of feeling is the order of the day."

Thus, from Larkin's statement it is evident that, while some of the leading Californians were considering the possibility of

*Life of Sloat.* Oakland, 1902. pp. 56-57. Shuck, O. T. *Representative Men of the Pacific.* San Francisco, 1870. pp. 229-230. Swasey, W. F. *Statement.* MS. pp. 8-9. Vallejo M. G. *Recuerdos históricos y personales.* MS. vol. 5, pp. 61-92.

[19] Larkin to Stearns, May 21, 1846. Larkin to Leese, May 21, 1846.

a change of allegiance, most of them were not yet ready to plan definitely for a separation from their country.

But Larkin was in no great hurry. He was willing to let time have its course in the shaping of events. If war came, the United States would seize California. If the war cloud passed, the inevitable would yet occur. With European influence waning and American immigration waxing, a few years at most would end triumphantly his occupation as confidential agent.

On June 1, 1846, he addressed James Buchanan, Secretary of State, and told of the general situation in California and of his plans and activities as confidential agent. He also narrated in detail what he had heard of Gillespie's journey toward the Oregon, of how he finally overtook Frémont and they returned to the Sacramento. "Frémont now starts for the States," adds Larkin, little knowing of the developments soon to occur.

In early June, the confidential agent prepared a long report to the State Department, in response to the request contained in the secret despatch. This report constituted a most valuable compendium on the past history and contemporaneous conditions in California. It was especially full in its information on the political conditions and military strength of the department. The compiler evidently understood what would be valuable to his government in carrying out its imperial plans. With regard to influencing the Californians in favor of the United States, Larkin comes to the point abruptly in this despatch: "It would be sound policy to pension some of those high in office and influence, or give them a sinecure; they would thus gently and quietly carry many of their countrymen along with them."[20]

[20] This report, completed about June 15, 1846, contained much detailed information, as follows: Description of California; towns and other settlements; history of the missions, their wealth and secularization; various classes of inhabitants in California; industries and division of labor; naturalization; land grants; Indian depredations; amount of immigration in various years; emigrant routes; Sutter's establishment; supplies which emigrants should have on leaving Independence, Missouri; their settlement and possible vocations in California; climate of California. History of California politics; revolutions; potential military strength; contemporaneous politics; instability of the government; attitude of various classes toward a change; a proposal for securing a favorable attitude from local officials toward the United States; agriculture, mines, whalers; the great future in store for the region around San Francisco Bay; education in California. Commerce: How the coastwise trade is carried on;

The above report was completed about the middle of June. It had been almost two months since the *Portsmouth* arrived from Mazatlan with news that Commodore Sloat might come in a few days to take California. War rumors were growing fainter. The confidential agent was becoming interested in his campaign and was catching the spirit of the policy outlined at Washington in the fall of 1845.

Such was the status of affairs and such were Larkin's plans, when a rumor reached Monterey that some Americans on the Sacramento River had seized some horses that were being brought by Lieutenant Francisco Arce from Sonoma to Santa Clara for the use of Commander-General José Castro. As the rumor grew to certainty Larkin wrote, on June 14th, to José and Manuel Castro that, as consul of the United States, he would gladly do anything in his power to aid in the recovery of the horses, if citizens of the United States were implicated in the theft. Larkin at first thought that the affair was merely a local clash between the Californians and a band of marauding settlers. But as further news came of the seizure of the horses on the 10th, and the subsequent capture of Sonoma on the 14th, he realized the true significance of the affair. The vice-consul, William A. Leidesdorff, and Captain John B. Montgomery of the *Portsmouth* sent to him from San Francisco news of the trend of events as the Bear Flag revolt progressed. This news Larkin forwarded to the State Department, together with copies of various proclamations issued by the respective parties to the conflict.[21]

Since Frémont and Gillespie had just returned from the north, the Californians felt that they were implicated, directly or indirectly, in the uprising. Some even believed that Larkin

nationalities engaged in it; customs duties, regulations, etc.; division of the revenue by civil and military departments of the government. Coins, weights and measures in California. List of the leading men at the principal settlements, with information about the more prominent ones. Tabulated details about commerce, 1839-1845. Public debts of California. Tabulated information about army, custom house, and civil officers of California, giving names, nativity, by whom appointed, monthly pay, arrears due on salaries Jan. 1, 1846.—As to the date of above report, see Larkin to Buchanan, June 15, 1846.

[21] For this and the following paragraphs on Larkin's relation to the Bear Flag revolt see the Larkin correspondence, June 14 to July 4, 1846.

had guilty knowledge of the affair, and a rumor to that effect grew until he believed he might be seized as a prisoner of war.

In these circumstances, the conciliatory efforts of the confidential agent ended abruptly and unexpectedly. Open rebellion by Americans on the Sacramento was not conducive to a campaign of conciliation. Larkin was now on the defensive. Governor Pio Pico frantically wrote to the consul: "You have not been known to make any arrangement that might make the invaders recede from their abominable designs and prevent the misfortunes which they can cause by the means of hostile provocation." Larkin could only answer that he was unable, single-handed, to put down a rebellion with which the whole military force of California seemed unable to cope. Whatever service he could render, had been offered to José and Manuel Castro, but it had not been accepted. Such was the consul's somewhat unsatisfactory reply.[22]

As the days passed, he realized that his former prophecies of a rupture between Californians and Americans were being suddenly and unexpectedly fulfilled. On June 18th, he wrote to the Department of State that if the rumors of the outbreak in the north were true, his expectations for 1847 or 1848 had simply been anticipated by a year or two. A few days later, in a letter to the United States consul in Honolulu, he exclaimed: "The great ball has been rolled, what can stop it!"[23]

Commodore Sloat arrived within a few days after this to act in the name and by the authority of the United States government.

What historical estimate then, should be placed on the confidential agency of Thomas O. Larkin? It was part and parcel of a comprehensive scheme, planned at Washington in the fall of 1845, the object of which was to secure California at all hazards. The war prospect then seemed uncertain. The Slidell purchase might not succeed. There was left the Texas method. This method was therefore to be tried—but with one innovation; in California, it was to be carried on from the beginning with the active, though secret, connivance of the United States

[22] Pico to Larkin, June 29, 1846. Reply, Larkin to Pico, July 5, 1846.

[23] Larkin to the "U. S. commissioner and U. S. consul, Sandwich Islands," July 4, 1846.

Government. Thomas O. Larkin, about six months later, set the proposed campaign in motion in California. He showed considerable ability in getting the matter well under way in a short time, and his plans and actions in so doing were no meaner than the instructions under which he worked. In less than two months his efforts were abruptly ended by the Bear Flag outbreak, which was speedily followed by Commodore Sloat's occupation.

## CHAPTER VIII.

### *Larkin's Activities in the Conquest of California. July, 1846-January, 1847.*

The latter half of June, 1846, constituted an interlude between the active campaign of the confidential agent and the conquest by Admiral Sloat.

The news of the American uprising on the Sacramento reached Monterey in definite form about June 14th. This put an end to Larkin's campaign of conciliation and threw him on the defensive, as was noted in the preceding chapter. On June 19th, arrived the U. S. S. *Cyane* from Mazatlan with renewed tidings that Sloat would probably come in a few days to take the country. Thus the Bear Flag revolt and the imminence of war were enough to occupy Larkin's attention until the actual coming of Sloat on July 2nd.

The *Cyane* brought to Larkin a letter from Sloat, dated May 18, 1846, the day after the commodore had received news of the hostilities of April 25th on the Rio Grande. In this letter Sloat said: "From information I have received from Metamoras, it appears certain that hostilities have commenced on the north bank of the Rio Grande . . . It is my intention to visit your place immediately, and from the instructions I have received from my government, I am led to hope that you will be prepared to put me in possession of the necessary information, and to consult and advise with me on the course of operations I may be disposed to make on the coast of California."

The government had no doubt expected Sloat to get much valuable information from Larkin about California. But from the above letter the consul judged that some late instructions to him from the government had miscarried. During the latter part of June, therefore, he wrote several letters to people in or

about San Francisco and New Helvetia, asking them to assist any overland couriers who might be coming to him from the States.[1]

The couriers did not come and Sloat himself did not arrive for almost two weeks. When he did arrive, on July 2nd, he brought news of the battles of Palo Alto and Resaca de la Palma, the taking of Metamoras, and the blockade of Vera Cruz by the United States squadron in the gulf.[2]

Although Sloat arrived in Monterey on July 2nd, he did not raise the American flag until the 7th. The delay was without doubt chiefly due to the attitude of Larkin. As has been noted in the previous chapter, the confidential agent had no scruples about getting California away from Mexico. He felt that the revolutions and the constant political turmoil in California, and the continued inability of Mexico to aid in establishing a stable government in the northern department, had proven conclusively that a change of regime should come. But his old desire, that the change should come with the acquiescence and choice of the Californians, never left him. Indeed, during his campaign as confidential agent, it had become a passion with him. Then the Bear Flag, to his chagrin and dismay, had seemed to blast all his hopes. Over and over again does Larkin mention in his correspondence the exasperation of the Californians at the apparent connection of Frémont and Gillespie with the American uprising on the Sacramento. When Commodore Sloat arrived Larkin saw one more chance of securing California to the United States by the definite choice of the Californians. No information had yet come of a declaration of war by either Mexico or the United

[1] Larkin to Montgomery, June 19, 20, 22, 1846. Larkin to Leidesdorff, June 22, 1846.

[2] Sloat to Larkin, May 18, 1846. Log of the U. S. S. *Savannah*, June 5, 7, 1846, in Lancey, *Cruise of the Dale*, 78-79. Lancey reprints this log from Dunbar, *Romance of the Age*, 38-39. This log is inaccurate in details. See also Sloat's report, U. S. 30th Cong., 2nd Sess., House Ex. Doc. No. 1, part 2, pp. 2-5. Same, Sen. Doc. No. 1.

Bancroft, *Hist. of Cal.*, 5:224, note 1, raises the question of the date of Sloat's arrival in Monterey Bay. Copies of the logs of the U. S. ships *Cyane*, *Levant*, and *Savannah*, obtained from the Navy Department, all state that the *Savannah* stood into Monterey Bay on the afternoon of July 2nd. The log quoted in Lancey, *Cruise of the Dale*, San José *Pioneer*, and in Dunbar, *Romance of the Age*, is therefore incorrect.

States, and even the news of hostilities was unofficial.[3] Larkin therefore favored delay and advocated the plan outlined in his own words as follows:

"Without official information, either by the commodore or myself, I hesitated to take possession of California by force of arms, and preferred that the civil governor and military commandant of California should place their country under the protection of our government for the time being or a certain limited time as could be agreed upon. This subject had been canvassed repeatedly by myself and certain persons in command on shore, and partially agreed upon should emergencies create the necessity. Some of the town authorities and a few principal citizens of Mexico in Monterey, while the *Savannah* lay at anchor, favored the plan and proposed to send expresses to General José Castro, who was encamped at the Mission de Santa Clara, seventy-six miles north, and Governor Pio Pico. . . . There was during this period a rising of foreigners, most of them unknown in the settlements, at the Sacramento River and jurisdiction of Sonoma. These circumstances urged many Californians, in July, 1846, to view with high favor the plan of coming under a peaceable protection of a foreign government. There was a fair prospect of the commandante general and some or all the authorities of Monterey coming into the arrangement; but [it] required at least ten days to come to [a] conclusion."[4]

Thus did Larkin make another conciliatory effort. If the desired result could have been attained it would have been most advantageous. Then the American flag would have been raised as a protection for the Californians against the party on the Sacramento, and not as a mere continuation of that independent seizure of the country. If the plan failed, Larken hoped that the delay might at least bring official news of a declaration of war.

But Sloat had already delayed too long. He was under orders to occupy California whenever he should know of "actual hostilities" between the United States and Mexico.[5] Larkin states also several times that Sloat had some fears that the British admiral, Seymour, would arrive in H. M. S. *Collingwood* and hoist the English flag. So when Larkin entered Commodore

[3] But Sloat should have seized California at once. He had been ordered to do so "in the event of actual hostilities" between Mexico and the United States. See despatch of Aug. 13, 1846, George Bancroft, Sec. of Navy, to Sloat, quoted in U. S. 30th Cong. 1st Sess. Sen. Report No. 75, p. 71. This despatch controverts the statement of Sherman in defense of Sloat to the effect that the commodore did not receive the despatches sent to him by the Navy Department after the one of June 24, 1845. See Sherman, *Life of Sloat*, p. 62.

[4] Memorandum by Larkin, quoted in Sawyer, *Documents*, MS., 84-87. Bancroft, *Hist. of Cal.*, 5:228, note 6. See also Larkin to Buchanan, July 30, 1846.

[5] See note 3, above.

Sloat's cabin on the *Savannah* on the morning of July 6th, he was met with the following exclamation from the commodore: "We must take the place! I shall be blamed in Washington for doing too little or too much! I prefer the latter."[6]

So the scale was turned in favor of immediate occupation. Larkin spent almost the whole day with Sloat, planning details and drawing up letters and a general proclamation. The latter was addressed to the people of California and shows plainly Larkin's knowledge of local affairs and his continued attitude of friendliness toward the Californians.

During the early weeks of the occupation under Sloat and Stockton, Larkin was used very much in writing letters and providing couriers for the transmission of them. He was especially valuable as a middleman in dealing with the people of California, with whom he was so well acquainted and, for the

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[6] The fear of Admiral Seymour and the *Collingwood* was potent at the time but recent investigations have proven that this fear also was groundless. See extract from Lord Alcester's letter, *Century Magazine*, 18 (1890):792-794. Same, *Nation*, 48 (1889):140-142. See also p. 78.

Bancroft, *Hist. of Cal.*, 5:228-229, states that the *Portsmouth's* launch arrived from San Francisco on the afternoon of July 5th, with news that Frémont had openly joined the Bear Flag movement. This news, thinks Bancroft, was the final consideration that led Sloat to delay no longer in raising the United States flag at Monterey. But the logs of the *Cyane*, *Levant*, and *Savannah* all state that the launch arrived on July 6th. This is also according to Larkin's statement mentioned by Bancroft (5:228, note 6). Therefore Larkin was not mistaken, as Bancroft says, and the facts of the case are as follows:

Larkin wanted to postpone the raising of the flag (for reasons stated in the text above), but, as he states (Sawyer, *Documents*, p. 86): "Commodore Sloat became more and more anxious to land and hoist our flag." On the morning of the 6th Sloat called Larkin on board and declared: "We must take the place," etc. The *Portsmouth's* launch did not arrive until 5:30 p.m. after everything was decided. Thus Larkin's statement of the case must be accepted.

Gillespie testified (in *Frémont Cal. Claims*, p. 32) that Sloat claimed later that he seized the country on the strength of Frémont's operations in the north. If Gillespie's testimony is correct it is possible that Sloat decided to use this as an excuse when he began to fear that his action had been premature. However, in the light of the above, it is apparent that, as Larkin states, Sloat "became more and more anxious to land," and finally decided to do so contrary to Larkin's desire and before hearing that Frémont had openly joined the Bear Flag. This is quite at variance with the generally accepted view, but is undoubtedly correct. See *Frémont California Claims*, 30-45. Logs of *Cyane*, *Levant*, and *Savannah*, MS., July 6, 1846. Larkin to Buchanan, July 18, 1846. Sawyer, Documents, 84-87.

most part, on terms of friendship. All of his labors during this period were characterized by his old desire to conciliate the people of California and make them well disposed toward American rule.[7]

On July 7th, he addressed William B. Ide, at Sonoma, telling him that Sloat had raised the American flag at Monterey, and advising him and the Bear Flag party to desist from further operations against the Californians.[8] The alcalde at Monterey, glad to end the Bear Flag movement by any means, gave a letter to Larkin's courier that would aid him in passing through the country.[9]

At the same time, Larkin made unsuccessful efforts to secure an interview between José Castro and Commodore Sloat. The Californian leaders were now aroused and determined at least to vindicate their honor as loyal Mexican soldiers. Larkin had a friendly interchange of letters with José Castro and Juan B. Alvarado, but they did not agree to an interview with Sloat. They were outraged by the Bear Flag affair and Castro declared that the United States naval forces had seized California only on the "conjecture of considering themselves at war."[10]

At this time, Larkin also interested himself in securing the release of the prisoners taken at Sonoma by the Bear Flag party in June. He was not directly responsible for their release, but made effective efforts to hasten it.[11]

Larkin's fear of those who tended to deal harshly and unfairly with the Californians is plainly shown in a letter of July 17th to Commodore Stockton, who arrived in the *Congress* on the 15th. In this letter, Larkin states his fear that Gillespie, who was about to visit Stockton, "has imbibed local views respecting

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[7] For the general historical background of this period see Bancroft, *Hist. of Cal.*, 5: chapters 9-15. Hittell, *Hist. of Cal.*, 2:ch. 8. Royce, *California*, ch. 3.

[8] Larkin did not know that Frémont had by this time assumed command of the Bear Flag movement. Bancroft, *Hist. of Cal.*, 5:179ff.

[9] Manuel Diaz "*a las Autoridades y Particulares del Transito,*" July 7, 1846.

[10] Larkin to Castro, July 8, 1846. Larkin to Alvarado, July 8, 1846. Castro to Larkin, July 9, 1846. Alvarado to Larkin, July 9, 1846.

[11] Prudon to Larkin, July 23, 1846. Vallejo to Larkin, July 23, 1846. Larkin to Prudon, July 29, 1846. Larkin to Vallejo, July 29, 1846.

this country and its people." Larkin urges the need of broad views in dealing with the Californians and hopes Stockton may change Gillespie's attitude in some measure.

Commodore Stockton succeeded to the supreme command in California on July 29, 1846, the day on which Sloat sailed for home in the *Levant*. Frémont, commissioned as major by Stockton, and placed at the head of the newly organized battalion, had already sailed on the *Cyane* for San Diego, with orders to subdue the country there and march to Los Angeles. On August 1st, Larkin left Monterey on the *Congress* with Commodore Stockton. Their destination was Los Angeles and Larkin was taken along because of the further important services he might render in dealing with the Californians.

The details of the conquest in the south would fill a volume and only Larkin's labors will be noted here.

It is evident that before the arrival at San Pedro, the nearest port to Los Angeles, Larkin had persuaded Stockton to let him try once more to get the Californians to raise the American flag by their own choice. Governor Pio Pico, the Departmental Assembly, and Commander General José Castro were all in or near Los Angeles at this time.

The *Congress* arrived at San Pedro on August 6th, and on that day Larkin addressed a long letter to Abel Stearns, who had been his confidential correspondent during the previous weeks of the confidential agency. Larkin now urged Stearns to use his influence with the California officials to get them to declare at once their independence of Mexico and to accept the protection of the United States flag.[12] He showed the uselessness of trying to oppose the forces under Stockton and Frémont. Moreover, he argued that if the rumored hostilities on the Rio Grande did not continue and there was no declaration of war, then the protection of the American flag was essential to protect California from a continuation of the Bear Flag revolt. He further urged Stearns to appear with other leading citizens before Stockton at San Pedro to arrange matters as suggested.[13]

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[12] Stearns was also a subprefect of the California government at this time. Bancroft, *Hist. of Cal.*, 5:625.

[13] Larkin to Stearns, Aug. 6, 1846. Same, Aug. 7, 1846.

Such was Larkin's last, desperate attempt to get the Californians to accept the United States flag by their own choice. But the days for conciliation were past and the attempt failed. To be sure, some commissioners from Castro appeared next day, probably as a result of Larkin's letter to Stearns. But they had no authority apparently, save to parley for a stay of hostilities pending further negotiations. Stockton was naturally fearful of much delay and replied by letter to Castro: "I cannot, therefore, check my operations, to negotiate on any other principle than that California will declare her independence under the protection of the flag of the United States. If, therefore, you will agree to hoist the American flag in California, I will stop my forces, and negotiate the treaty."

These words were written by Stockton on August 7th, and Castro's reply was dated the 9th. The commander-general of the Mexican forces had now determined to retreat toward Mexico and, although he kept this purpose from the American commander, he peremptorily refused to consider the treacherous proposition of forsaking his country's flag.[14]

On the 11th, Larkin was sent under a flag of truce to carry Stockton's reply to Castro. But the general had already left the vicinity of the capital, which was so devoid of defenders that on the 12th, Larkin, with two associates, took possession of the government house and prepared it for the use of Stockton who arrived with his forces the next day.[15]

Larkin's long cherished method for securing California by the consent of the Californians had failed. The war method had won. But however much Larkin regretted the failure of his own plan, he had no desire for his country to relinquish California. From the beginning of the conquest by Sloat he declared that the American flag ought never to be lowered in California. When he thought of the possibility that by treaty at the end of the war California might be returned to Mexico,

[14] See report of Stockton to Sec. of Navy, in U. S. 30th Cong. 2nd Sess. House Ex. Doc. No. 1, part 2, p. 36ff. For correspondence between Castro and Stockton see U. S. 30th Cong. 1st Sess. House Ex. Doc. No. 70, p. 38ff.

[15] Stockton to Larkin, Aug. 11, 1846. Larkin to Buchanan, Aug. 23, 1846.

he addressed the Department of State as follows: "Should by government policy in any treaty with Mexico (which policy I presume will not be thought of) California be given up, it would be an advantageous method to hold it a sufficient time for some thousands of emigrants to obtain a footing here, and for Commodore Stockton to arrange a government, and the result would be that the Mexican flag would never wave one hundred days again in California."[16]

Larkin had spent too much time and thought on the acquisition of California, for him now to think for a moment of Mexico again acquiring the country. It was during his stay in Los Angeles at this time that Larkin learned the particulars of the Macnamara plan for Irish colonization in California, which project had been favored by Governor Pico and the Departmental Assembly. This scheme seems to have reawakened in Larkin a belief that England had designs on California. He reported the matter fully to the State Department and said: "This . . . shews a new feature on the part of England to colonize California and is but a change of plans."[17]

Larkin returned to Monterey in the *Congress,* arriving on September 15th. His active coöperation in the conquest was now practically ended but he had been appointed navy-agent by Stockton during the stay in Los Angeles.[18]

His activities as navy-agent do not enter into this account. His capture by the Californians merits only brief notice.

Larkin's family was in San Francisco and, in November, 1846, he, hearing that one of his daughters was ill, started overland from Monterey to the bay city. Meanwhile, the uprising of the Californians in the south had taken place and Manuel Castro had undertaken to muster recruits in the country north of San Luis Obispo. Larkin started from Monterey on Sunday, November 15th, and stopped that night at the ranch of Joaquin Gomez, about twenty-five miles northeast of Monterey. It was not known at the time that any of the Californian forces were in the vicinity, but during the night a detachment of them under José Antonio

[16] Larkin to Buchanan, Aug. 22, 1846.

[17] Larkin to Buchanan, Aug. 22 and 23, 1846.

[18] See p. 7.

Chavez seized Larkin and carried him a prisoner to the nearby camp of Commander Manuel Castro. The next day, Larkin was an unwilling witness to the battle of Natividad, and, after that, he was taken to Santa Barbara and later to Los Angeles.

The details of his captivity are unimportant, but it may be mentioned that the Californians prized highly such a famous prisoner and he was granted every comfort and respect. After the defeat of the Californians in the south, Larkin was released by General José M. Flores on January 9, 1847.[19]

Larkin's subsequent activities as navy-agent and naval storekeeper are of no great historical interest and do not come within the scope of this monograph. The real object of Larkin's confidential agency was defeated, as has been noted, in the middle of June, 1846, by the Bear Flag uprising. His regular activities as consul ended during the same month when he extended aid for the last time to a destitute American seaman. His commissions as consul and confidential agent were not formally cancelled until May 30, 1848, and his per-diem allowance in the latter capacity continued until that date. But his only official activity in either capacity during 1847 and 1848 consisted of an occasional report to the State Department on political and general conditions in California.[20]

Larkin's part in the conquest of California has never been duly appreciated. His silent, toilsome efforts were easily forgotten when they were superseded by the more spectacular methods of the Bear Flag and the conquest.

Larkin was the pioneer of the acquisition. As early as 1844, his jealousy of the influence of England and France in California began. It is now known that those nations had no serious designs on the country, but it was believed in California at the time that they did have such designs and Larkin took no chances in the matter. He communicated his fears constantly to the United States Government and, no doubt, influenced the officials at Washington in that respect.

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[19] Larkin to Rachael Larkin, Nov. 25, Dec. 14, 1846, Jan. 11, 1847. Rachael Larkin to Larkin, Dec. 14, 1846. The most complete account is Larkin, *Journal of Captivity.*

[20] See p. 15.

For a time he favored the tripartite convention plan of Tyler and Webster, whereby the United States should grant England the line of the Columbia River in Oregon in exchange for some degrees of California to be purchased by England from Mexico. This plan was the fairest toward Mexico of any considered by the United States government, with the possible exception of the purchase proposed by Slidell.

Larkin had no scruples about getting California away from Mexico, feeling that the latter government had given ample evidence of her inability to maintain a stable government in the department.

When appointed to the confidential agency, Larkin undertook his task with vigor, and with fair prospects of success. But his efforts were abruptly terminated by the Bear Flag and the conquest. The former movement was lamentable in his sight; not because it would rob Mexico of a splendid province, but because it was an outrage upon the inhabitants of California. At the last moment, Larkin regretted the war and the conquest, which before had undoubtedly seemed desirable to him. His change of attitude seems due to the subsidence of his fears of European aggression in California, and his belief that, as confidential agent, he could soon get the Californians to raise the United States flag of their own choice. But when the conquest came, Larkin coöperated cheerfully and effectively with the military authorities of the United States.

In his attitude toward the acquisition Larkin displayed a persistent desire for frendliness and fair play toward the Californians. In private life, as consul, as secret agent of his government, from first to last he was mindful of their rights and their sensibilities. Larkin should be held by Americans as representing their best conception of fair play toward the inhabitants of California; by the descendants of the old Californians of Spanish blood, he should be remembered as the most constant friend of their people.

His attitude toward the Californians, from the beginning of his consulate to the close of the American conquest, is well epitomized in the following extract from a letter written by him to the State Department just before he sailed for Los Angeles

with Commodore Stockton, to occupy the southern part of the country: "The undersigned . . . shall proceed south in the *Congress,* and endeavor to be of service to the Commander in Chief . . . and will at all times endeavor to keep in view, the welfare and prosperity of the Californians, to calm their agitation and interest their feelings favorably to the new Government, . . . not under the idea that their good will or services will aid in establishing our flag, which is not the case, but from motives of friendship and humanity to the former owners of the country."[21]

[21] Larkin to Buchanan, July 30, 1846. But it has been already noted that Larkin did make one subsequent plan to secure the coöperation of the Californians in changing to the United States flag.

## APPENDIX 1.

### *Biographical Sketch of Thomas O. Larkin.*

Thomas Oliver Larkin was born September 16, 1802, at Charlestown, Massachusetts.

According to the following statement furnished by his only surviving son, Alfred O. Larkin, living (1908) in Portsmouth, New Hampshire, the family has a long history in America.

"His [Thomas O. Larkin's] ancestors lived and died in Charlestown. . . . Edward, the first, was admitted freeman of that settlement in 1638. Ebenezer, grandfather of Thomas Oliver Larkin, had his home destroyed, burnt to the ground by hot shot from the fleet of Lord Howe during the bombardment of that town, while the battle of Bunker Hill was progressing. Ebenezer and his brothers participated in the battle. Through the female line, Thomas Oliver Larkin was descended from Richard Warren, who emigrated to America in the *Mayflower,* 1620."

Thomas O. Larkin's father died in 1808, when the former was only six years of age. In 1813 his mother removed to Lynn, Massachusetts, where she died in 1818.

In 1817 Larkin, a boy of fifteen years, went to Boston to learn the art of bookbinding. He found this to be, as he declared, "a poor business," and on October 17, 1821, he decided to leave Boston. Three days later he sailed for Wilmington, North Carolina, on the schooner *Maria.*

He spent the years from 1821 to 1830 in the south, with the exception of a few months in 1824 during which he visited various cities in New York as well as his friends and relatives in Massachusetts and at Portsmouth, New Hampshire.

In the south, he was engaged in various business enterprises. For a time, he was clerk in a store and later established a small mercantile business in partnership with a friend who subsequently proved false to him. He spent some time in Wilmington, Fayetteville, and Moore's Creek. He visited the Bermuda Isl-

ands in 1822, and traveled in South Carolina for his health in 1825.

In the latter year he opened a store in Duplin County, North Carolina, and later in the same year he lost his brother William, who had accompanied him from Boston after his visit home in 1824. The death of this brother was a severe blow to Larkin, and his diary shows plainly how hard it was for him to rally from it. In the following words, he gives expression to his feelings: "Thought I had had distress before . . . drank its very dregs at this time [and] found I had never tasted it before. Peace be to the soul and respect forever for thy memory, my Brother."

In 1826, he became a justice of the peace in Duplin County and later in the same year he received a post-office commission.

His final enterprise in North Carolina was in the sawmill business, but in this he was unfortunate and lost most of his former earnings. At the same time his health, which for some years had been poor, began to fail more rapidly. In 1830, therefore, he said farewell to the south and returned to Massachusetts.

The years spent in North Carolina were undoubtedly the years in which Larkin learned the great lessons practiced in his after life. He succeeded measurably well in most of his enterprises and manifested the persistent energy necessary to success. Yet he suffered enough reverses to test his spirit and teach him the lessons of rigorous economy. A natural interest in feminine charms is evident in his diary of these years, and occasional references to dancing, to smoking and to wines are in striking contrast with the extremely temperate habits of his later years.

To recruit his health and fortunes, Larkin next turned toward the Pacific Coast. He sailed from Boston September 5, 1831, on the *Newcastle,* Captain Stephen Hersey. This vessel touched at the Sandwich Islands in the following February, reached San Francisco early in April, and arrived at Monterey on the 13th of the same month, 1832. At Monterey, Larkin found his half-brother, John B. R. Cooper, who had come to the coast as a sea-captain some years before but was now settled at Monterey, engaged in trade. For a time Larkin served as a clerk for Cooper, but soon established a business of his own. He opened

a small store for the sale of general merchandise, produce and liquors. He built the first double-geared flour mill in that part of the country, making the models for it himself. He hired foreigners to make shingles and shape lumber, and soon began the erection, by contract, of wharves and various buildings. At the same time, he began to build up a trade with the Sandwich Islands and Mexico in lumber, flour, potatoes, soap, beaver and sea-otter skins, and horses. Success came to him in his business ventures and he began at once to accumulate the wealth that later amounted to a large fortune.

During his voyage from Boston on the *Newcastle,* Larkin had become acquainted with Rachel Hobson Holmes, who was en route to the Pacific Coast to join her husband, John A. C. Holmes, a sea-captain. Upon arriving at Monterey she learned that he had shortly before sailed for Lima, and after about three months of waiting there came to her the news of his death by fever on shipboard.

The young woman remained at the home of Captain Cooper, in Monterey, while awaiting passage back to Boston. Meanwhile she and Mr. Larkin became better acquainted and they, at length, decided to unite their fortunes. They did not wish to accept the Catholic faith and so could not get the church to solemnize their marriage. The ceremony was therefore performed, June 10, 1833, on board the American bark *Volunteer* at Santa Barbara, by John C. Jones, United States consul at Oahu, who was owner and supercargo of the vessel.

One account, probably reliable, states that a few years later, when Mrs. Larkin was seriously ill, she was baptized into the Catholic church at the earnest solicitation of friends. At the same time, it is stated, she and Mr. Larkin went through the Catholic marriage ceremony in order to be sure that their children would be legal heirs. If the statement of their remarriage is true, Larkin was probably baptized into the Catholic church also. It was at any rate a formal matter, for after the American conquest Mr. and Mrs. Larkin were affiliated with the Episcopal church.

The children of Mr. and Mrs. Larkin, with the years of birth and death, are as follows: Thomas O., 1834-1898; Frederick H.,

1836-1869; Francis R., 1840-1874; Caroline, 1842-1891; Adelaide, 1843-1846; Alfred Otis, 1847- (living 1909).

All of these children, deceased, excepting Adelaide, are buried in the family lot in Laurel Hill Cemetery, San Francisco. Adelaide, who died in 1846, during the conquest, was buried in the Mission Dolores cemetery. One account mentions also an infant son who died at Monterey in 1836.

Caroline Larkin married Sampson Tams, from whom H. H. Bancroft obtained the Larkin manuscripts. Mr. Tams is living (1909) in San Francisco.

Writing from New York in 1850 Larkin refers to his children as follows: "the education of the *first children* born there [in California] of United States' parents—rather of United States' mother—causes us to remain here for the present."

Of course, men from the United States had had children by Californian wives, but the above claim of Larkin was no doubt true, at least with reference to his older children.

In 1847, he joined Robert Semple in the project of building up a city at Carquines Straits to rival Yerba Buena as the metropolis of the bay region. It was at first planned to call the new town Francisca, but this was soon changed to Benicia on account of the official adoption of the name *San Francisco* by the older and more successful of the rivals.

Larkin was a highly respected member of the California Constitutional Convention of 1849, although the records show that he indulged in speech-making very sparingly as compared with some of his associates. Aside from the Spanish members, Larkin had lived in California longer than anyone in the convention except Abel Stearns of Los Angeles. The latter had lived in the country for twenty years, about two and a half years longer than Larkin.

After 1849 Larkin retired from active public life and devoted himself largely to his extensive business interests. After the American conquest his landed interests especially were a source of ever increasing wealth to him. His estate at the time of his death was probably worth about $200,000, and much of the property appreciated greatly in value within a few years thereafter.

Larkin and family spent the years from 1850 to 1853 in the east. They visited relatives and friends in New York and Massachusetts, and Larkin acquired some valuable property in the city of York. In 1853 they returned to California and settled in San Francisco.

Larkin was an active and honored member of the Society of California Pioneers, and was president of the society from 1856 to 1857.

He suffered an acute attack of typhoid fever upon returning from a business trip to Colusa in the fall of 1858, and, after an illness of one week, he died on the evening of October 27th, at the age of fifty-six years.

He was buried at Lone Mountain (now called Laurel Hill) Cemetery, where a stone monument now marks his grave.

Mrs. Larkin survived her husband some years, dying in San Francisco, October 20, 1873.

The following extract is taken from the resolutions passed by the Society of California Pioneers at the time of Larkin's death: "he was ever ready to respond to the demands of his Country, in the contest which ended in making California part and parcel of our National domain, . . . the destitute and needy, in him found a true friend to supply their wants, and alleviate their misfortunes; the Officers of our Army and Navy, . . . found in him a brave and efficient ally, in taking possession of the country, and to his personal influence, it may be justly said, that much is due, toward obtaining the good will and acquiescence of the Native population, in changing their flag and their nationality; and from the period of the acquisition of California by the United States, up to the present time, his energies and his efforts were wholly devoted to the advancement of the State, and to the development of all her resources."

The above statements have been taken from the resolutions because they epitomize well the work of Larkin in and for California and are clearly within the bounds of historical truth.

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*Note.*—The following data on personal appearance are taken from Larkin's original passport to California, issued under the seal of the commonwealth of Massachusetts, and signed Sept. 2, 1831, by Levi Lincoln, governor, and Edward D. Bangs, secretary: "Thomas Oliver Larkin, Age 29 years. Height, 5 ft. 7½ in. Complexion, dark. Eyes, dark. Hair, black."—See Savage, *Documents*, MSS., 2:2.

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## APPENDIX 2.

### *Consular Representatives of France, Great Britain, and Spain in California during the Larkin Consulate.*

Louis Gasquet was appointed Consul of France at Monterey in 1843. He was to serve *ad interim* until M. Barrier should arrive to occupy the post permanently. The latter never came to California, and Gasquet did not arrive until March, 1845.

Gasquet's salary was probably about $4000 although he had little to do. In July, 1846, he protested against the placing of one of the United States sentinels near his house. Alvarado, in his history, states that Gasquet gave the Californians the information that led to Larkin's capture in November, 1846.

James Alexander Forbes, a native of Scotland, came to California in 1830 or 1831. For some years he was engaged in trade and farming, and was appointed British vice-consul at Monterey in 1842. He entered formally upon the duties of his office in 1843, although he did not reside at Monterey. During the important period of Larkin's consulate Forbes resided at San Francisco, where he had charge of the Hudson's Bay Company's establishment after the death of Wm. G. Rae in 1845.

Forbes on one occasion forwarded to his government a proposition of some Californians for placing California under the protection of Great Britain. This was one of several similar propositions from her agents which Great Britain rejected decisively. Forbes was informed that Great Britain had no desire to interfere in California politics, but that she would look with great disfavor upon such interference by any other power. These instructions were frankly rehearsed by Forbes to Larkin in May, 1846.

Although Forbes and Larkin had some disagreements they were generally on very good terms and there were many exchanges of official courtesies between them.

Cesáreo Lataillade, of Spanish-French descent, came to California in 1842. He was appointed Spanish vice-consul in 1845, but his exequatur did not arrive until April, 1846. He resided at Santa Barbara. Although opposed to the acquisition of California by the United States he did not take an active part in public affairs. However, he favored the McNamara colonization scheme in 1846.

## APPENDIX 3.

### *The Affair at Hawk's Peak.*

Judging from the whole correspondence of Larkin bearing upon the affair at Hawk's Peak, it is evident that he recognized the danger of reckless acts on the part of Frémont. Moreover, he offered advice to the captain only with some trepidation and with great caution, as one would do when dealing with a man very sensitive from personal or official pride. The consul felt that the cause for the trouble was that Frémont had brought his force so near to Monterey. Larkin says nothing about this being a breach of the January agreement, indeed he declares absolutely the contrary. His entire correspondence indicates that the extreme outbreak on the part of the Californians was unwarranted.

The writer has examined carefully the sources on the Hawk's Peak affair[1] and feels that Frémont should bear a part but not all of the blame for that unfortunate breach of relations.

It is a very important fact, heretofore almost entirely overlooked, that while in Monterey in January, Larkin arranged with Frémont to send supplies by ship to Santa Barbara for him and his party.[2]

The authorities at Monterey undoubtedly understood that Frémont's camp for the winter was to be in the San Joaquin Valley or at some such considerable distance away from the settlements.

Frémont left Monterey[3] in January to renew his search for

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[1] See Appendix 5.

[2] Thompson to Larkin, March 20, 1846: "Captain Freemont has not yet arrived, look for him daily but without any late advice." Larkin to Buchanan, April 2, 1846: " 'tis supposed he [Frémont] has gone to Santa Barbara where an American Vessel was sent by the undersigned in February with funds and provisions for his use." Thus Frémont, when he visited Larkin in January, provided for a journey to Santa Barbara.

[3] Benton, *Letter*, in *Niles' National Register*, 71 (1846-1847):173. Benton, *Thirty Years' View*, 2:688. Cutts, *Conquest of California*, 144. *Frémont Court-Martial*, 372. U. S. 29th Cong., 2nd Sess., House Ex. Doc. No. 4, pp. 50-51. Same, Sen. Doc. No. 1. Alvarado, *Historia de California*, MS., 5:160-161.

the larger part of his company whom he had failed to find earlier. He undoubtedly expected to find them near Tulare Lake, or further north searching for him. The writer believes that Frémont expected, after finding them, to move southward in the San Joaquin Valley, cross the mountains to Santa Barbara for the supplies sent there by Larkin, and then establish his headquarters in the San Joaquin Valley, perhaps exploring the interior to the southward, until the season would permit the journey to Oregon.

But he met his men, looking for him, near San José. Thence it was easier to cross the Santa Cruz Mountains southward and follow the Salinas Valley in the journey to Santa Barbara for the supplies.[4] The party could thus purchase meat and provisions, en route from the *ranchos,* and still keep at a respectable distance from the towns. That it was Frémont's policy to keep his force away from the towns is shown clearly by his letter to Larkin quoted on page 53 above. It is probable that he never thought of it as being an infraction of the January agreement for him to come temporarily within a reasonable distance of the settlements while securing his supplies.

On the other hand, it may be that in passing within twenty or twenty-five miles of Monterey, Frémont abused the hospitality of the California officials. Perhaps they were continually nervous because, since September, 1845, they had been disobeying the strictest orders from Mexico against allowing any more Americans to enter California; their natural hospitality and their lack of military strength had made them desperately lax. Perhaps too they were aroused by colored reports of a disagreement between Frémont and some of the inhabitants after he left Monterey in January.[5]

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[4] Schafer, *The Pacific Slope and Alaska,* suggests that Frémont planned the journey up the Salinas Valley toward Santa Barbara in order to survey a practicable route for a coast-line railroad. This view is plausible. Larkin certainly expected Frémont to visit Monterey again, for he wrote to the Secretary of State, March 27, 1846, that when the captain left Monterey in January he "returned to his camp, it being well known in Monterey, that he was to return when he collected his men."

[5] See p. 57. Bancroft, *Hist. of Cal.,* 5:8-9, develops also the trouble about one of Frémont's horses which was claimed by a Californian. A full discussion of the incident is not in place here, but an examination

It may be that any of the above causes, or all of them combined, roused the officials against Frémont. Their great fault, however, was their imperious and bellicose manner, and the insincerity apparent in their orders of March 5th to the captain.

These orders were evidently written to be read in Mexico, whither copies were sent. Juan B. Alvarado, himself a strong California partisan, who was present at the interview between Frémont and the authorities in January, wrote later in his history,[6] that José Castro received special orders, after the interview in January, to drive Frémont out, and that in ordering him away on March 5th, Castro[7] "set forth the reasons that compelled him to revoke the permission that he had granted."

This is just what José Castro should have done, but did not do. Neither did he give the reason, so strongly urged by recent historians, that Frémont had forfeited his privileges by not remaining in the San Joaquin Valley. The order from José Castro ran: "At seven o'clock this morning the Commander-General was given to understand that you and the party under your command have entered the towns of this Department, and such being prohibited by our laws, I find myself obligated to advertise you, that on receipt of this, you will immediately retire beyond the limits of this same Department, such being the orders of the Supreme Government, and the subscriber is obligated to see them complied with." At the same time Prefect Manuel Castro wrote to Frémont as follows: "In consequence this Prefecture now orders, that you will immediately, on receipt of this, without any pretext, return with your people out of the limits of this Territory; if not, this Office will take the necessary measures to cause respect to this determination."

As suggested above, these orders were evidently written to satisfy the authorities in Mexico. But, to Frémont, they must have seemed written all over with insincerity and bad faith.

In the first place, he must have noted the pretended surprise

of the documents cited by Bancroft will show to anyone that his presentation develops only one side of an affair in which there was undoubtedly blame on both sides.

[6] Alvarado, *Historia de California*, MS., 5:161.

[7] José Castro to Frémont, March 5, 1846. Manuel Castro to Frémont, March 5, 1846.

expressed by the authorities at hearing of his presence. But he, with part or all of his men, had been in the country between Monterey and San José, a distance of about seventy-five miles, ever since he visited Monterey in January. For about a week they had encamped much nearer to San José than they had now approached to Monterey.

Moreover, the presence of Frémont and scores of other Americans who had entered California during the latter part of 1845, had been from the first contrary to law, save as the local authorities granted special permission.

It is almost certain that José Castro had not received special orders from Mexico since his understanding with Frémont in January. However, it is plain that Castro, or some of his friends, such as Alvarado, did make such a claim in order to justify the action against Frémont.

If José Castro had recently received special orders, or if, on the contrary, his case against Frémont was that the captain had broken the agreement of January by coming near to the settlements, why did he not explain himself in his orders?

And, finally, if he dared not explain himself and admit the understanding of January, because a copy of his order must be sent to Mexico, should he not have been less peremptory and bellicose in tone?

These considerations do not excuse Frémont for coming with his force so near to the settlements—if it was definitely understood that he should not do so—nor for his bravado in defying the local authorities from the crest of Gavilan. But they constitute the extenuating circumstances of the case, heretofore obscured by an apparent personal animus against Frémont or a lack of critical insight into the documents relating to the affair.[8]

[8] Schafer, *The Pacific Slope and Alaska*, 237-264, gives the fairest account yet published concerning Frémont's activities in California at this time.

## APPENDIX 4.

### *The Secret Despatch of October 17, 1845.*

NOTE.—The original of the following despatch is in the Larkin papers in the possession of the University of California, as is also the copy delivered to Larkin by Lieutenant Archibald H. Gillespie. The latter memorized the despatch and destroyed his copy before passing overland through Mexico. He then wrote it from memory and delivered a copy to Larkin, which differs from the original only in a few unimportant variations of wording.

The following is the text of the original despatch, signed by James Buchanan, and sent to Larkin, via Cape Horn and Honolulu, on the U. S. S. *Congress.*

DEPARTMENT OF STATE,
WASHINGTON, Oct. 17th, 1845.

THOMAS O. LARKIN, Esqre.,
Consul of the United States
at Monterey, California.

SIR,

I feel much indebted to you for the information which you have communicated to the Department from time to time in relation to California. The future destiny of that Country is a subject of anxious solicitude for the Government and people of the United States. The interests of our Commerce and our Whale fisheries on the Pacific Ocean, demand that you should exert the greatest vigilance in discovering and defeating any attempts which may be made by Foreign Governments to acquire a control over that Country. In the contest between Mexico and California we can take no part, unless the former should commence hostilities against the United States; but should California assert and maintain her independence, we shall render her all the kind offices in our power as a Sister Republic. This Government has no ambitious aspirations to gratify and no desire to extend our Federal system over more Territory than we already possess, unless by the free and spontaneous wish of the Independent people of adjoining Territories. The exercise of compulsion or improper influence to accomplish such a result would

be repugnant both to the policy and principles of this Government. But whilst these are the sentiments of the President, he could not view with indifference the transfer of California to Great Britain or any other European Power. The system of colonization by foreign Monarchies on the North American continent must and will be resisted by the United States. It could result in nothing but evil to the Colonists under their dominion who desire to secure for themselves the blessings of liberty by means of Republican Institutions; whilst it would be highly prejudicial to the best interests of the United States. Nor would it in the end benefit such foreign Monarchies. On the contrary, even Great Britain by the acquisition of California would sow the seeds of future War and disaster for herself; because there is no political truth more certain that that this fine Province could not long be held in vassalage by any European Power. The emigration to it of people from the United States would soon render this impossible.

I am induced to make these remarks in consequence of the information communicated to this Department in your Despatch of the 10th of July last. From this it appears that Mr. Rea, the Agent of the British Hudson Bay Company furnished the Californians with arms and money in October and November last, to enable them to expel the Mexicans from the Country: and you state that this policy has been reversed and now no doubt exists there, but that the Mexican troops about to invade the Province have been sent for this purpose at the instigation of the British Government: and that "it is rumored that two English Houses in Mexico have become bound to the new General to accept his drafts for funds to pay his troops for eighteen months." Connected with these circumstances, the appearance of a British Vice Consul and a French Consul in California, at the present crisis, without any apparent Commercial business, is well calculated to produce the impression, that their respective Governments entertain designs on that Country which must necessarily be hostile to its interests. On all proper occasions, you should not fail prudently to warn the Government and people of California of the danger of such an interference to their peace and prosperity,—to inspire them with a jealousy of

European dominion and to arouse in their bosoms that love of liberty and independence so natural to the American Continent. Whilst I repeat that this Government does not, under existing circumstances, intend to interfere between Mexico and California, they would vigorously interpose to prevent the latter from becoming a British or French Colony. In this they might surely expect the aid of the Californians themselves.

Whilst the President will make no effort and use no influence to induce California to become one of the free and independent States of this Union, yet if the People should desire to unite their destiny with ours, they would be received as brethren, whenever this can be done, without affording Mexico just cause of complaint. Their true policy, for the present, in regard to this question, is to let events take their course, unless an attempt should be made to transfer them, without their consent, either to Great Britain or France. This they ought to resist by all the means in their power as ruinous to their best interests and destructive of their freedom and independence.

I am rejoiced to learn that "our Countrymen continue to receive every assurance of safety and protection from the present Government" of California, and that they manifest so much confidence in you as Consul of the United States. You may assure them of the cordial sympathy and friendship of the President, and that their conduct is appreciated by him as it deserves.

In addition to your Consular functions, the President has thought proper to appoint you a confidential agent in California; and you may consider the present Despatch as your authority for acting in this character. The confidence which he reposes in your patriotism and discretion is evinced by conferring upon you this delicate and important trust. You will take care not to awaken the jealousy of the French and English agents there by assuming any other than your Consular character. Lieutenant Archibald H. Gillespie of the Marine Corps will immediately proceed to Monterey and will probably reach you before this Despatch. He is a Gentleman in whom the President reposes entire confidence. He has seen these instructions and will cooperate as a confidential agent with you, in carrying them into execution.

You will not fail by every safe opportunity to keep the Department advised of the progress of events in California, and the disposition of the authorities and people towards the United States and other Governments. We should, also, be pleased to learn what is the aggregate population of that Province, and the force it can bring into the field:—what is the proportion of Mexican, American, British and French Citizens, and the feelings of each class towards the United States;—the names and character of the principal persons in the Executive, Legislative, and Judicial Departments of the Government, and of other distinguished and influential Citizens;—its financial system and resources, the amount and nature of its commerce with Foreign Nations, its productions which might with advantage be imported into the United States, and the productions of the United States which might with advantage be received in exchange.

It would, also, be interesting to the Department to learn in which part of California the principal American settlements exist,—the rate at which the number of Settlers have been and still are increasing,—from what portions of the Union they come and by what routes they arrive in the Country.

These specifications are not intended to limit your enquiries. On the contrary it is expected that you will collect and communicate to the Department all the information respecting California which may be useful or important to the United States.

Your compensation will be at the rate of Six dollars per day from the time of the arrival of this Despatch or of Lieutenant Gillespie at Monterey. You will also be allowed your necessary travelling and other expenses incurred in accomplishing the objects of your appointment; but you will be careful to keep an accurate account of these expenditures and procure vouchers for them in all cases where this is practicable without interfering with the successful performance of your duties. For these expenses and your per diem allowance, you are authorized to draw from time to time on the Department.

I am, Sir, Respectfully
Your obedient Servant,
(Signed) JAMES BUCHANAN.

## APPENDIX 5.

## *Bibliography.*

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Official correspondence as United States Consul and Navy-Agent. 1 vol. 511 pages. Contains copies, made contemporaneously by Larkin or his chief clerk, of the letters written by Larkin. The book is made up of two parts; of these the first contains 596 letters, dated from April, 1844, to January, 1850, from the consul to the California authorities, United States officials and citizens in California and elsewhere, but not including his reports to the State Department. The second part contains 76 official consular despatches written by Larkin to the State Department from 1844 to 1848; 16 despatches by Larkin as navy-agent to the Navy Department; and 46 important letters and proclamations concerning the affair at Hawk's Peak, the Bear Flag rebellion, and the seizure of California by Commodore Sloat.

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agent with the general policy of the government at the time. Later investigations in the archives of the State Department have supplemented Bancroft's work in this regard.

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